

AMENDED IN ASSEMBLY AUGUST 31, 2007

AMENDED IN ASSEMBLY JULY 9, 2007

AMENDED IN ASSEMBLY JUNE 25, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MARCH 29, 2007

## SENATE BILL

**No. 534**

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### Introduced by Senator Perata

February 22, 2007

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An act to amend Sections 101, 205, 1601.1, 1616.5, 1621, 1670.1, 1680, 1721, *1721.5*, 1725, 1741, 1742.1, 1746.1, 1748, 1750.4, 1751, 1753, 1767, 1770, 1771, 4999.2, and 4999.7 of, to add *Section 1616.6 to, to add* Article 9 (commencing with Section 1900) to Chapter 4 of Division 2 of, to repeal Sections ~~1721.5~~, 1744, 1760, 1760.5, 1761, 1762, 1763, 1764, 1765, 1766, 1768, 1769, 1772, 1774, and 1775 of, and to repeal and add Sections 1742 and 1743 of, the Business and Professions Code, to amend Section 44876 of the Education Code, and to amend Sections 1348.8 and 128160 of the Health and Safety Code, relating to healing arts.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 534, as amended, Perata. Dentistry: dental assistants and hygienists.

(1) Existing law provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint an executive officer. The provisions establishing the board and authorizing the board to appoint an executive officer, are inoperative as of July 1, 2008, and are repealed as of January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dental auxiliaries. Under that act, dental auxiliaries are defined as including, among others, dental assistants, registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in alternative practice. The act establishes the Committee on Dental Auxiliaries, which has a specified membership that includes 3 registered dental hygienist members, and makes it responsible for licensing those who practice as a dental auxiliary and makes the Dental Board of California responsible for all disciplinary actions against a dental auxiliary and for approving all of their continuing education requirements. Under the act, fees collected in connection with the practice of a dental auxiliary are deposited into the State Dental Auxiliary Fund, in the Professions and Vocations Fund. The act provides that specified conduct by a dentist or dental auxiliary constitutes unprofessional conduct.

This bill would abolish the Committee on Dental Auxiliaries and transfer its authority to the board. The bill would *establish in the board a full-time management level staff position to manage matters related to dental assisting, and would* require the board to create a standing dental assisting committee with specified membership and duties. The provisions establishing the advisory committee would ~~be~~ *become* inoperative on July 1, 2011, and ~~be~~ repealed on January 1, 2012. The bill would also abolish the State Dental Auxiliary Fund, ~~and require the deposit of all funds from the regulation of dental assistants into the State Dentistry Fund~~ *and would create the State Dental Assistant Fund, in which would be deposited all funds from the regulation of dental assistants. The bill would make all funds in the State Dental Assistant Fund subject to appropriation by the Legislature in the annual Budget Act.*

The bill would also create, within the jurisdiction of the board, the Dental Hygiene Committee of California, which would have specified memberships and duties. The bill would establish criteria for licensure by the committee of a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions. The bill would set forth the committee's functions and duties, including issuing, reviewing, and revoking licenses, developing and administering examinations, determining fees and education programs and continuing education requirements for a

registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions, and adopting regulations.

This bill would create the State Dental Hygiene Fund in the Professions and Vocations Fund and would require that fees paid by dental hygienists and certain fines be deposited into the fund. The bill would require a transfer of a specified amount into the fund from the State Dental Auxiliary Fund. The bill would also require that the funds deposited in the State Dentistry Fund and the State Dental Hygiene Fund be subject to appropriation by the Legislature in the annual Budget Act.

This bill would revise certain provisions related to unprofessional conduct by a dentist. The bill would also specify acts by dental hygienists that would constitute unprofessional conduct and specify acts that would constitute crimes. The bill would require the Dental Hygiene Committee of California to establish a diversion program for licensees whose competency may be impaired due to drug or alcohol abuse and to establish diversion evaluation committees, with specified duties in that regard.

Because a violation of certain provisions of the bill would be a crime, the bill would create a state-mandated local program.

*(3) This bill would incorporate additional changes in Section 101 of the Business and Professions Code, proposed by AB 1137 and SB 801, to be operative only if this bill and either or both AB 1137 or SB 801 are chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

*This bill would incorporate additional changes to Section 1601.1 of the Business and Professions Code, proposed by SB 963, to be operative only if SB 963 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

*This bill would incorporate additional changes to Section 1751 of the Business and Professions Code, proposed by SB 963 and SB 1048, to be operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

*This bill would incorporate additional changes to Sections 1750.4, 1753, and 1770 of the Business and Professions Code, proposed by SB 1048, to be operative only if SB 1048 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 101 of the Business and Professions Code  
2     is amended to read:  
3     101. The department is comprised of:  
4     (a) The Dental Board of California.  
5     (b) The Medical Board of California.  
6     (c) The State Board of Optometry.  
7     (d) The California State Board of Pharmacy.  
8     (e) The Veterinary Medical Board.  
9     (f) The California Board of Accountancy.  
10    (g) The California Architects Board.  
11    (h) The Bureau of Barbering and Cosmetology.  
12    (i) The Board for Professional Engineers and Land Surveyors.  
13    (j) The Contractors' State License Board.  
14    (k) The Bureau for Private Postsecondary and Vocational  
15    Education.  
16    (l) The Structural Pest Control Board.  
17    (m) The Bureau of Home Furnishings and Thermal Insulation.  
18    (n) The Board of Registered Nursing.  
19    (o) The Board of Behavioral Sciences.  
20    (p) The State Athletic Commission.  
21    (q) The Cemetery and Funeral Bureau.  
22    (r) The State Board of Guide Dogs for the Blind.  
23    (s) The Bureau of Security and Investigative Services.  
24    (t) The Court Reporters Board of California.  
25    (u) The Board of Vocational Nursing and Psychiatric  
26    Technicians.  
27    (v) The Landscape Architects Technical Committee.  
28    (w) The Bureau of Electronic and Appliance Repair.  
29    (x) The Division of Investigation.

- 1 (y) The Bureau of Automotive Repair.
- 2 (z) The State Board of Registration for Geologists and
- 3 Geophysicists.
- 4 (aa) The Respiratory Care Board of California.
- 5 (ab) The Acupuncture Board.
- 6 (ac) The Board of Psychology.
- 7 (ad) The California Board of Podiatric Medicine.
- 8 (ae) The Physical Therapy Board of California.
- 9 (af) The Arbitration Review Program.
- 10 (ag) The Hearing Aid Dispensers Bureau.
- 11 (ah) The Physician Assistant Committee.
- 12 (ai) The Speech-Language Pathology and Audiology Board.
- 13 (aj) The California Board of Occupational Therapy.
- 14 (ak) The Osteopathic Medical Board of California.
- 15 (al) The Bureau of Naturopathic Medicine.
- 16 (am) The Dental Hygiene Committee of California.
- 17 (an) Any other boards, offices, or officers subject to its
- 18 jurisdiction by law.

19 *SEC. 1.5. Section 101 of the Business and Professions Code*  
20 *is amended to read:*

- 21 101. The department is comprised of:
- 22 (a) The Dental Board of California.
  - 23 (b) The Medical Board of California.
  - 24 (c) The State Board of Optometry.
  - 25 (d) The California State Board of Pharmacy.
  - 26 (e) The Veterinary Medical Board.
  - 27 (f) The California Board of Accountancy.
  - 28 (g) The California Architects Board.
  - 29 (h) The Bureau of Barbering and Cosmetology.
  - 30 (i) The Board for Professional Engineers and Land Surveyors.
  - 31 (j) The Contractors' State License Board.
  - 32 (k) The Bureau for Private Postsecondary and Vocational
  - 33 Education.
  - 34 (l) The Structural Pest Control Board.
  - 35 (m) The Bureau of Home Furnishings and Thermal Insulation.
  - 36 (n) The Board of Registered Nursing.
  - 37 (o) The Board of Behavioral Sciences.
  - 38 (p) The State Athletic Commission.
  - 39 (q) The Cemetery and Funeral Bureau.
  - 40 (r) The State Board of Guide Dogs for the Blind.

- 1 (s) The Bureau of Security and Investigative Services.  
2 (t) The Court Reporters Board of California.  
3 (u) The Board of Vocational Nursing and Psychiatric  
4 Technicians.  
5 (v) The Landscape Architects Technical Committee.  
6 (w) The Bureau of Electronic and Appliance Repair.  
7 (x) The Division of Investigation.  
8 (y) The Bureau of Automotive Repair.  
9 (z) The State Board of Registration for Geologists and  
10 Geophysicists.  
11 (aa) The Respiratory Care Board of California.  
12 (ab) The Acupuncture Board.  
13 (ac) The Board of Psychology.  
14 (ad) The California Board of Podiatric Medicine.  
15 (ae) The Physical Therapy Board of California.  
16 (af) The Arbitration Review Program.  
17 ~~(ag) The Committee on Dental Auxiliaries~~ *Dental Hygiene*  
18 *Committee of California.*  
19 (ah) The Hearing Aid Dispensers Bureau.  
20 (ai) The Physician Assistant Committee.  
21 (aj) The Speech-Language Pathology and Audiology Board.  
22 (ak) The California Board of Occupational Therapy.  
23 (al) The Osteopathic Medical Board of California.  
24 (am) The Bureau of Naturopathic Medicine.  
25 ~~(an)~~ *The State Board of Chiropractic Examiners.*  
26 ~~(an)~~  
27 (ao) Any other boards, offices, or officers subject to its  
28 jurisdiction by law.  
29 SEC. 2. Section 205 of the Business and Professions Code is  
30 amended to read:  
31 205. (a) There is in the State Treasury the Professions and  
32 Vocations Fund. The fund shall consist of the following special  
33 funds:  
34 (1) Accountancy Fund.  
35 (2) California Board of Architectural Examiners' Fund.  
36 (3) Athletic Commission Fund.  
37 (4) Barbering and Cosmetology Contingent Fund.  
38 (5) Cemetery Fund.  
39 (6) Contractors' License Fund.  
40 (7) State Dentistry Fund.

- 1 (8) State Funeral Directors and Embalmers Fund.
- 2 (9) Guide Dogs for the Blind Fund.
- 3 (10) Bureau of Home Furnishings and Thermal Insulation Fund.
- 4 (11) California Board of Architectural Examiners-Landscape
- 5 Architects Fund.
- 6 (12) Contingent Fund of the Medical Board of California.
- 7 (13) Optometry Fund.
- 8 (14) Pharmacy Board Contingent Fund.
- 9 (15) Physical Therapy Fund.
- 10 (16) Private Investigator Fund.
- 11 (17) Professional Engineers' and Land Surveyors' Fund.
- 12 (18) Consumer Affairs Fund.
- 13 (19) Behavioral Sciences Fund.
- 14 (20) Licensed Midwifery Fund.
- 15 (21) Court Reporters' Fund.
- 16 (22) Structural Pest Control Fund.
- 17 (23) Veterinary Medical Board Contingent Fund.
- 18 (24) Vocational Nurses Account of the Vocational Nursing and
- 19 Psychiatric Technicians Fund.
- 20 (25) Electronic and Appliance Repair Fund.
- 21 (26) Geology and Geophysics Fund.
- 22 (27) Dispensing Opticians Fund.
- 23 (28) Acupuncture Fund.
- 24 (29) Hearing Aid Dispensers Fund.
- 25 (30) Physician Assistant Fund.
- 26 (31) Board of Podiatric Medicine Fund.
- 27 (32) Psychology Fund.
- 28 (33) Respiratory Care Fund.
- 29 (34) Speech-Language Pathology and Audiology Fund.
- 30 (35) Board of Registered Nursing Fund.
- 31 (36) Psychiatric Technician Examiners Account of the
- 32 Vocational Nursing and Psychiatric Technicians Fund.
- 33 (37) Animal Health Technician Examining Committee Fund.
- 34 (38) Structural Pest Control Education and Enforcement Fund.
- 35 (39) Structural Pest Control Research Fund.
- 36 (40) State Dental Hygiene Fund.
- 37 (41) *State Dental Assistant Fund.*
- 38 (b) For accounting and recordkeeping purposes, the Professions
- 39 and Vocations Fund shall be deemed to be a single special fund,
- 40 and each of the several special funds therein shall constitute and

1 be deemed to be a separate account in the Professions and  
2 Vocations Fund. Each account or fund shall be available for  
3 expenditure only for the purposes as are now or may hereafter be  
4 provided by law.

5 SEC. 3. Section 1601.1 of the Business and Professions Code  
6 is amended to read:

7 1601.1. (a) There shall be in the Department of Consumer  
8 Affairs the Dental Board of California in which the administration  
9 of this chapter is vested. The board shall consist of eight practicing  
10 dentists, one registered dental hygienist, one registered dental  
11 assistant, and four public members. Of the eight practicing dentists,  
12 one shall be a member of a faculty of any California dental college  
13 and one shall be a dentist practicing in a nonprofit community  
14 clinic. The appointing powers, described in Section 1603, may  
15 appoint to the board a person who was a member of the prior board.  
16 The board shall be organized into standing committees dealing  
17 with examinations, enforcement, and other subjects as the board  
18 deems appropriate.

19 (b) The board shall create and maintain operation of a standing  
20 committee on dental assisting to address issues related to the  
21 profession of dental assisting pursuant to Section 1742.

22 (c) For purposes of this chapter, any reference in this chapter  
23 to the Board of Dental Examiners shall be deemed to refer to the  
24 Dental Board of California.

25 (d) The board shall have all authority previously vested in the  
26 existing board under this chapter. The board may enforce all  
27 disciplinary actions undertaken by the previous board.

28 (e) This section shall become inoperative on July 1, 2011, and,  
29 as of January 1, 2012, is repealed, unless a later enacted statute  
30 that is enacted before January 1, 2012, deletes or extends the dates  
31 on which it becomes inoperative and is repealed. The repeal of  
32 this section renders the board subject to the review required by  
33 Division 1.2 (commencing with Section 473).

34 SEC. 3.5. *Section 1601.1 of the Business and Professions Code*  
35 *is amended to read:*

36 1601.1. (a) There shall be in the Department of Consumer  
37 Affairs the Dental Board of California in which the administration  
38 of this chapter is vested. The board shall consist of eight practicing  
39 dentists, one registered dental hygienist, one registered dental  
40 assistant, and four public members. Of the eight practicing dentists,



one shall be a member of a faculty of any California dental college and one shall be a dentist practicing in a nonprofit community clinic. The appointing powers, described in Section 1603, may appoint to the board a person who was a member of the prior board. The board shall be organized into standing committees dealing with examinations, enforcement, and other subjects as the board deems appropriate.

*(b) The board shall create and maintain operation of a standing committee on dental assisting to address issues related to the profession of dental assisting pursuant to Section 1742.*

~~(b)~~

*(c) For purposes of this chapter, any reference in this chapter to the Board of Dental Examiners shall be deemed to refer to the Dental Board of California.*

~~(e)~~

*(d) The board shall have all authority previously vested in the existing board under this chapter. The board may enforce all disciplinary actions undertaken by the previous board.*

~~*(d) This section shall become inoperative on July 1, 2008, and, as of January 1, 2009, is repealed, unless a later enacted statute that is enacted before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).*~~

SEC. 4. Section 1616.5 of the Business and Professions Code is amended to read:

1616.5. (a) The board, by and with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

~~*(b) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.*~~

SEC. 5. Section 1616.6 is added to the Business and Professions Code, to read:

1616.6. *There is hereby established within the board a full-time management level staff position, under the direction of the executive officer, whose sole responsibilities shall be the*

1 *management of matters related to dental assisting, including, but*  
2 *not limited to, education, examination, licensure, and enforcement.*

3 ~~SEC. 5.~~

4 *SEC. 6.* Section 1621 of the Business and Professions Code  
5 is amended to read:

6 1621. The board shall utilize in the administration of its  
7 licensure examinations only examiners whom it has appointed and  
8 who meet the following criteria:

9 (a) Possession of a valid license to practice dentistry in this state  
10 or possession of a valid license in one of the dental assistant  
11 categories licensed under this chapter.

12 (b) Practice as a licensed dentist or in a licensure category  
13 described in subdivision (a) for at least five years preceding his or  
14 her appointment.

15 (c) Hold no position as an officer or faculty member at any  
16 college, school, or institution that provides dental instruction in  
17 the same licensure category as that held by the examiner.

18 ~~SEC. 6.~~

19 *SEC. 7.* Section 1670.1 of the Business and Professions Code  
20 is amended to read:

21 1670.1. (a) Any licentiate under this chapter may have his or  
22 her license revoked or suspended or be reprimanded or be placed  
23 on probation by the board for conviction of a crime substantially  
24 related to the qualifications, functions, or duties of a dentist or  
25 dental assistant licensed under this chapter, in which case the record  
26 of conviction or a certified copy thereof, certified by the clerk of  
27 the court or by the judge in whose court the conviction is had, shall  
28 be conclusive evidence.

29 (b) The board shall undertake proceedings under this section  
30 upon the receipt of a certified copy of the record of conviction. A  
31 plea or verdict of guilty or a conviction following a plea of nolo  
32 contendere made to a charge of a felony or of any misdemeanor  
33 substantially related to the qualifications, functions, or duties of a  
34 dentist or dental assistant licensed under this chapter is deemed to  
35 be a conviction within the meaning of this section. The board may  
36 order the license suspended or revoked, or may decline to issue a  
37 license, when the time for appeal has elapsed, or the judgment of  
38 conviction has been affirmed on appeal or when an order granting  
39 probation is made suspending the imposition of sentence,  
40 irrespective of a subsequent order under any provision of the Penal

1 Code, including, but not limited to, Section 1203.4 of the Penal  
2 Code, allowing the person to withdraw his or her plea of guilty  
3 and to enter a plea of not guilty, or setting aside the verdict of  
4 guilty, or dismissing the accusation, information, or indictment.

5 ~~SEC. 7.~~

6 *SEC. 8.* Section 1680 of the Business and Professions Code  
7 is amended to read:

8 1680. Unprofessional conduct by a person licensed under this  
9 chapter is defined as, but is not limited to, any one of the following:

10 (a) The obtaining of any fee by fraud or misrepresentation.

11 (b) The employment directly or indirectly of any student or  
12 suspended or unlicensed dentist to practice dentistry as defined in  
13 this chapter.

14 (c) The aiding or abetting of any unlicensed person to practice  
15 dentistry.

16 (d) The aiding or abetting of a licensed person to practice  
17 dentistry unlawfully.

18 (e) The committing of any act or acts of sexual abuse,  
19 misconduct, or relations with a patient that are substantially related  
20 to the practice of dentistry.

21 (f) The use of any false, assumed, or fictitious name, either as  
22 an individual, firm, corporation, or otherwise, or any name other  
23 than the name under which he or she is licensed to practice, in  
24 advertising or in any other manner indicating that he or she is  
25 practicing or will practice dentistry, except that name as is specified  
26 in a valid permit issued pursuant to Section 1701.5.

27 (g) The practice of accepting or receiving any commission or  
28 the rebating in any form or manner of fees for professional services,  
29 radiograms, prescriptions, or other services or articles supplied to  
30 patients.

31 (h) The making use by the licensee or any agent of the licensee  
32 of any advertising statements of a character tending to deceive or  
33 mislead the public.

34 (i) The advertising of either professional superiority or the  
35 advertising of performance of professional services in a superior  
36 manner. This subdivision shall not prohibit advertising permitted  
37 by subdivision (h) of Section 651.

38 (j) The employing or the making use of solicitors.

39 (k) The advertising in violation of Section 651.

1 (l) The advertising to guarantee any dental service, or to perform  
2 any dental operation painlessly. This subdivision shall not prohibit  
3 advertising permitted by Section 651.

4 (m) The violation of any of the provisions of law regulating the  
5 procurement, dispensing, or administration of dangerous drugs,  
6 as defined in Chapter 9 (commencing with Section 4000), or  
7 controlled substances, as defined in Division 10 (commencing  
8 with Section 11000) of the Health and Safety Code.

9 (n) The violation of any of the provisions of this division.

10 (o) The permitting of any person to operate dental radiographic  
11 equipment who has not met the requirements of Section 1656.

12 (p) The clearly excessive prescribing or administering of drugs  
13 or treatment, the clearly excessive use of diagnostic procedures,  
14 or the clearly excessive use of diagnostic or treatment facilities,  
15 as determined by the customary practice and standards of the dental  
16 profession.

17 Any person who violates this subdivision is guilty of a  
18 misdemeanor and shall be punished by a fine of not less than one  
19 hundred dollars (\$100) or more than six hundred dollars (\$600),  
20 or by imprisonment for a term of not less than 60 days or more  
21 than 180 days, or by both a fine and imprisonment.

22 (q) The use of threats or harassment against any patient or  
23 licensee for providing evidence in any possible or actual  
24 disciplinary action, or other legal action; or the discharge of an  
25 employee primarily based on the employee's attempt to comply  
26 with the provisions of this chapter or to aid in the compliance.

27 (r) Suspension or revocation of a license issued, or discipline  
28 imposed, by another state or territory on grounds that would be  
29 the basis of discipline in this state.

30 (s) The alteration of a patient's record with intent to deceive.

31 (t) Unsanitary or unsafe office conditions, as determined by the  
32 customary practice and standards of the dental profession.

33 (u) The abandonment of the patient by the licensee, without  
34 written notice to the patient that treatment is to be discontinued  
35 and before the patient has ample opportunity to secure the services  
36 of another dentist or registered dental hygienist and provided the  
37 health of the patient is not jeopardized.

38 (v) The willful misrepresentation of facts relating to a  
39 disciplinary action to the patients of a disciplined licensee.

1 (w) Use of fraud in the procurement of any license issued  
2 pursuant to this chapter.

3 (x) Any action or conduct that would have warranted the denial  
4 of the license.

5 (y) The aiding or abetting of a licensed dentist, dental assistant,  
6 or registered dental hygienist to practice dentistry in a negligent  
7 or incompetent manner.

8 (z) The failure to report to the board in writing within seven  
9 days any of the following: (1) the death of his or her patient during  
10 the performance of any dental or dental hygiene procedure; (2) the  
11 discovery of the death of a patient whose death is related to a dental  
12 or dental hygiene procedure performed by him or her; or (3) except  
13 for a scheduled hospitalization, the removal to a hospital or  
14 emergency center for medical treatment for a period exceeding 24  
15 hours of any patient to whom oral conscious sedation, conscious  
16 sedation, or general anesthesia was administered, or any patient  
17 as a result of dental or dental hygiene treatment. With the exception  
18 of patients to whom oral conscious sedation, conscious sedation,  
19 or general anesthesia was administered, removal to a hospital or  
20 emergency center that is the normal or expected treatment for the  
21 underlying dental condition is not required to be reported. Upon  
22 receipt of a report pursuant to this subdivision the board may  
23 conduct an inspection of the dental office if the board finds that it  
24 is necessary. A dentist shall report to the board all deaths occurring  
25 in his or her practice with a copy sent to the Dental Hygiene  
26 Committee of California if the death was the result of treatment  
27 by a registered dental hygienist. A dental hygienist shall report to  
28 the Dental Hygiene Committee of California all deaths occurring  
29 as the result of dental hygiene treatment, and a copy of the  
30 notification shall be sent to the board.

31 (aa) Participating in or operating any group advertising and  
32 referral services that are in violation of Section 650.2.

33 (ab) The failure to use a fail-safe machine with an appropriate  
34 exhaust system in the administration of nitrous oxide. The board  
35 shall, by regulation, define what constitutes a fail-safe machine.

36 (ac) Engaging in the practice of dentistry or dental assisting  
37 with an expired license.

38 (ad) Except for good cause, the knowing failure to protect  
39 patients by failing to follow infection control guidelines of the  
40 board, thereby risking transmission of blood-borne infectious

1 diseases from dentist, dental assistant, or registered dental hygienist  
2 to patient, from patient to patient, and from patient to dentist, dental  
3 assistant, or registered dental hygienist. In administering this  
4 subdivision, the board shall consider referencing the standards,  
5 regulations, and guidelines of the State Department of Public  
6 Health developed pursuant to Section 1250.11 of the Health and  
7 Safety Code and the standards, guidelines, and regulations pursuant  
8 to the California Occupational Safety and Health Act of 1973 (Part  
9 1 (commencing with Section 6300) of Division 5 of the Labor  
10 Code) for preventing the transmission of HIV, hepatitis B, and  
11 other blood-borne pathogens in health care settings. The board  
12 shall review infection control guidelines, if necessary, on an annual  
13 basis and proposed changes shall be reviewed by the Dental  
14 Hygiene Committee of California to establish a consensus. The  
15 committee shall submit any recommended changes to the infection  
16 control guidelines for review to establish a consensus. As  
17 necessary, the board shall consult with the Medical Board of  
18 California, the California Board of Podiatric Medicine, the Board  
19 of Registered Nursing, and the Board of Vocational Nursing and  
20 Psychiatric Technicians, to encourage appropriate consistency in  
21 the implementation of this subdivision.

22 The board shall seek to ensure that all appropriate dental  
23 personnel are informed of the responsibility to follow infection  
24 control guidelines, and of the most recent scientifically recognized  
25 safeguards for minimizing the risk of transmission of blood-borne  
26 infectious diseases.

27 (ae) The utilization by a licensed dentist of any person to  
28 perform the functions of any dental assistant licensed under this  
29 chapter, any registered dental hygienist licensed under this chapter,  
30 or registered dental hygienist in extended functions who, at the  
31 time of initial employment, does not possess a current, valid license  
32 to perform those functions.

33 (af) The prescribing, dispensing, or furnishing of dangerous  
34 drugs or devices, as defined in Section 4022, in violation of Section  
35 2242.1.

36 ~~SEC. 8.~~

37 *SEC. 9.* Section 1721 of the Business and Professions Code  
38 is amended to read:

39 1721. Except as provided in Sections ~~1944~~ 1721.5, 1944, and  
40 1945, all funds received by the Treasurer under the authority of

1 this chapter shall be placed in the State Dentistry Fund. Expenditure  
2 of those funds shall be subject to appropriation by the Legislature  
3 in the annual Budget Act. Subject to that appropriation, and except  
4 as provided in Sections—1944 1721.5, 1944, and 1945, all  
5 disbursements by the board made in the transaction of its business  
6 and in the enforcement of this chapter shall be paid out of the fund  
7 upon claims against the state.

8 ~~SEC. 9. Section 1721.5 of the Business and Professions Code~~  
9 ~~is repealed.~~

10 *SEC. 10. Section 1721.5 of the Business and Professions Code*  
11 *is amended to read:*

12 1721.5. All funds received by the State Treasurer under the  
13 authority of this chapter which relate to dental auxiliaries pursuant  
14 to Section 1725 shall be placed in the State Dental Auxiliary  
15 Assistant Fund for the purposes of administering this chapter as it  
16 relates to dental auxiliaries assistants. *Expenditure of these funds*  
17 *shall be subject to appropriation by the Legislature in the annual*  
18 *Budget Act.*

19 ~~SEC. 10.~~

20 *SEC. 11. Section 1725 of the Business and Professions Code*  
21 *is amended to read:*

22 1725. The amount of the fees prescribed by this chapter that  
23 relate to the licensing of dental auxiliaries assistants shall be  
24 established by board resolution and subject to the following  
25 limitations:

26 (a) The application fee for an original license shall not exceed  
27 twenty dollars (\$20).

28 (b) (1) The fee for examination for licensure as a registered  
29 dental assistant shall not exceed fifty dollars (\$50) for the written  
30 examination and shall not exceed sixty dollars (\$60) for the  
31 practical examination.

32 (2) On and after January 1, 2008, the fee for application and for  
33 the issuance of a license as a registered orthodontic assistant,  
34 registered surgery assistant, registered restorative assistant, or  
35 registered dental assistant shall not exceed fifty dollars (\$50), and  
36 the fee for the practical examination for licensure as a registered  
37 orthodontic assistant, registered surgery assistant, or registered  
38 restorative assistant shall not exceed sixty dollars (\$60).

39 (c) The fee for examination for licensure as a registered dental  
40 assistant in extended functions or a registered restorative assistant

1 in extended functions shall not exceed two hundred fifty dollars  
2 (\$250).

3 (d) The biennial renewal fee for a dental ~~auxiliary~~ *assistant* shall  
4 not exceed eighty dollars (\$80).

5 (e) The delinquency fee shall not exceed twenty-five dollars  
6 (\$25) or one-half of the renewal fee, whichever is greater. Any  
7 delinquent license may be restored only upon payment of all fees,  
8 including the delinquency fee.

9 (f) The fee for issuance of a duplicate registration, license, or  
10 certificate to replace one that is lost or destroyed, or in the event  
11 of a name change, shall not exceed twenty-five dollars (\$25).

12 (g) The fee for each curriculum review and site evaluation for  
13 educational programs for registered dental assistants that are not  
14 accredited by a board-approved agency, the Council for Private  
15 Postsecondary and Vocational Education, or the Chancellor's office  
16 of the California Community Colleges shall not exceed one  
17 thousand four hundred dollars (\$1,400).

18 (h) The fee for each review of radiation safety courses, specialty  
19 registration courses, or other courses resulting in a certificate, that  
20 are not accredited by a board-approved agency, the Council for  
21 Private Postsecondary and Vocational Education, or the  
22 Chancellor's office of the California Community Colleges shall  
23 not exceed three hundred dollars (\$300).

24 (i) No fees or charges other than those listed in subdivisions (a)  
25 through (h) shall be levied by the board in connection with the  
26 licensure of dental assistants, dental assisting educational program  
27 site evaluations, and radiation safety course evaluations pursuant  
28 to this chapter.

29 (j) Fees fixed by the board pursuant to this section shall not be  
30 subject to the approval of the Office of Administrative Law.

31 (k) Fees collected pursuant to this section shall be deposited in  
32 the State ~~Dentistry~~ *Dental Assistant* Fund.

33 ~~SEC. 11.~~

34 *SEC. 12.* Section 1741 of the Business and Professions Code  
35 is amended to read:

36 1741. As used in this article:

37 (a) "Dental assisting committee" means the required standing  
38 committee of the board for dental assisting.

39 (b) "Board" means the Dental Board of California.



(c) “Direct supervision” means supervision of dental procedures based on instructions given by a licensed dentist, who must be physically present in the treatment facility during the performance of those procedures.

(d) “General supervision” means supervision of dental procedures based on instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist during the performance of those procedures.

(e) “Dental ~~auxiliary~~ assistant” means a person who may perform dental assisting procedures authorized by this article.

~~SEC. 12.~~

~~SEC. 13.~~ Section 1742 of the Business and Professions Code is repealed.

~~SEC. 13.~~

~~SEC. 14.~~ Section 1742 is added to the Business and Professions Code, to read:

1742. (a) It is the intent of the Legislature by enactment of this section to permit the full utilization of dental assistants in order to meet the dental care needs of all of the state’s citizens.

(b) The board shall create a standing dental assisting committee.

(c) The committee shall be comprised of the following three members, appointed by the president of the board:

(1) One member of the board who is a registered dental assistant.

(2) Two other members of the board.

(d) ~~(1)~~ The chair of the committee shall be a registered dental assistant. *If the registered dental assistant position on the board is vacant, the president shall appoint another member of the board to chair the committee until the vacancy is filled.*

~~(2) The registered dental assistant member of the board shall also serve on the examination committee of the board.~~

(e) The committee shall have the following functions:

(1) Consider and make appropriate recommendations to the board in all matters relating to dental assistants in this ~~state~~. *state, including, but not limited to, all of the following:*

(A) *Requirements for dental assistant licensure and renewal.*

(B) *Allowable dental assistant duties, settings, and supervision levels.*

(C) *Appropriate standards of conduct and enforcement for dental assistants.*

(2) *With regard to dental assisting examinations:*

1 (A) Advise the board as to the type of license examination it  
2 deems appropriate for the various dental assistant licensure  
3 categories.

4 (B) At the direction of the board, develop or cause to be  
5 developed, administer, or both, examinations in accordance with  
6 the board's instructions and periodically report to the board on  
7 the progress of those examinations. Each dental assisting  
8 examination shall be submitted to the board for its approval prior  
9 to its initial administration. Once an examination has been  
10 approved by the board, no further approval is required unless a  
11 major modification is made to the examination.

12 (C) Report to the board on the results of each examination and,  
13 where appropriate, recommend pass points. The board shall set  
14 pass points for all dental assistant licensing examinations.

15 (3) With regard to regulations:

16 (A) Review and evaluate all suggestions or requests for  
17 regulatory changes related to dental assistants and dental assisting  
18 educational programs and courses.

19 (B) Report and make recommendations to the board, after  
20 consultation with departmental legal counsel and the board's  
21 executive officer.

22 (C) Include in any report regarding a proposed regulatory  
23 change, at a minimum, the specific language of the proposed  
24 changes and the reasons for and facts supporting the need for  
25 change. The board has the final rulemaking authority.

26 (4) With regard to dental assistant programs and courses, and  
27 notwithstanding any other provision of law:

28 (A) Evaluate and approve all dental assistant programs and  
29 courses applying for approval in accordance with board rules  
30 governing those programs and courses. The committee may appoint  
31 board members to any evaluation committee. Board members so  
32 appointed shall not make a final decision on the issue of program  
33 or course approval.

34 (B) Evaluate and approve all individual courses and providers  
35 when those courses or providers are common to both dental  
36 assistants and dental hygienists. Nothing shall preclude the Dental  
37 Hygiene Committee of California from approving individual  
38 courses and providers when those courses or providers are  
39 common to both dental assistants and dental hygienists.

1 (C) Review and document any alleged deficiencies that might  
2 warrant board action to withdraw or revoke approval of a program  
3 or course. All program and course denials, withdrawals, and  
4 revocations shall be approved by the board.

5 ~~(2)~~

6 (5) Provide assistance as may be requested by the board in the  
7 exercise of its powers and duties.

8 (f) The board shall be encouraged to contract with dental  
9 assistant experts to deal with issues of particular concern to the  
10 dental assistant community. The cost of contracting *with* these  
11 experts shall be paid ~~from dental assistant licensure fees in the~~  
12 ~~State Dentistry Fund.~~ *from the State Dental Assistant Fund.*

13 (g) The committee shall meet at least four times per year  
14 concurrent with board meetings whenever possible.

15 (h) This section shall become inoperative on July 1, 2011, and,  
16 as of January 1, 2012, is repealed, unless a later enacted statute,  
17 that becomes operative on or before January 1, 2012, deletes or  
18 extends the dates on which it becomes inoperative and is repealed.

19 ~~SEC. 14.~~

20 *SEC. 15.* Section 1742.1 of the Business and Professions Code  
21 is amended to read:

22 1742.1. Protection of the public shall be the highest priority  
23 for the dental assisting committee. Whenever the protection of the  
24 public is inconsistent with other interests sought to be promoted,  
25 the protection of the public shall be paramount.

26 ~~SEC. 15.~~

27 *SEC. 16.* Section 1743 of the Business and Professions Code  
28 is repealed.

29 ~~SEC. 16.~~

30 *SEC. 17.* Section 1743 is added to the Business and Professions  
31 Code, to read:

32 ~~1743.—(a) The dental assisting committee shall have the~~  
33 ~~following duties and authority related to education programs,~~  
34 ~~courses, curriculum, and providers:~~

35 ~~(1) Shall evaluate and approve all dental assistant programs,~~  
36 ~~courses, and curriculum applying for approval in accordance with~~  
37 ~~board rules governing the programs, courses, curriculum, and~~  
38 ~~providers.~~

39 ~~(2) Shall evaluate and approve all individual courses and~~  
40 ~~providers when those courses or providers are common to both~~

1 dental assistants and dental hygienists. Nothing shall preclude the  
2 Dental Hygiene Committee of California from approving individual  
3 courses and providers when those courses or providers are common  
4 to both dental assistants and dental hygienists.

5 ~~(3) May appoint board members to any evaluation committee.~~  
6 ~~Board members so appointed shall not make a final decision on~~  
7 ~~the issue of program or course approval.~~

8 ~~(4) Shall review and document any alleged deficiencies that~~  
9 ~~might warrant board action to withdraw or revoke approval of a~~  
10 ~~program, course, curriculum, or provider.~~

11 ~~(5) All programs, course, curriculum, and provider denials,~~  
12 ~~withdrawals, and revocations shall be approved by the board.~~

13 ~~(b)–~~

14 1743. (a) The board shall have the following duties and  
15 authority related to applications:

16 (1) Shall review and evaluate all applications for licensure in  
17 all dental assisting categories to ascertain whether a candidate  
18 meets the appropriate licensing requirements specified by statute  
19 and board regulations.

20 (2) Shall maintain application records, cashier application fees,  
21 and perform any other ministerial tasks as are incidental to the  
22 application process.

23 (3) May delegate any or all of the functions in this subdivision  
24 to its staff.

25 (4) Shall issue dental assistant licenses in all cases, except where  
26 there is a question as to a licensing requirement.

27 ~~(e)~~

28 (b) The board shall develop or cause to be developed and  
29 administer examinations. The board shall set pass points for all  
30 dental assisting licensing examinations.

31 ~~(d)~~

32 (c) The board shall be responsible for all aspects of the license  
33 renewal process, which shall be accomplished in accordance with  
34 this chapter and board regulations. The board may delegate any  
35 or all of its functions under this subdivision to its staff.

36 ~~SEC. 17.~~

37 SEC. 18. Section 1744 of the Business and Professions Code  
38 is repealed.

1     ~~SEC. 18.~~

2     ~~SEC. 19.~~ Section 1746.1 of the Business and Professions Code  
3 is amended to read:

4     1746.1. ~~All~~(a) All committees of the board have the authority  
5 to evaluate all suggestions or requests for regulatory changes  
6 related to their committee. ~~The committees~~ Committees shall have  
7 the authority to hold informational hearings in order to report and  
8 make appropriate recommendations to the board, after consultation  
9 with departmental legal counsel and the board's executive officer.  
10 The committees shall include in any report regarding a proposed  
11 regulatory change, at a minimum, the specific language or the  
12 proposed change or changes and the reasons therefor and any facts  
13 supporting the need for the change.

14     (b) *No part of this section shall restrict the Dental Hygiene*  
15 *Committee of California from adopting, amending, or revoking*  
16 *regulations authorized by Article 9 (commencing with Section*  
17 *1900).*

18     ~~SEC. 19.~~

19     ~~SEC. 20.~~ Section 1748 of the Business and Professions Code  
20 is amended to read:

21     1748. Recommendations by the committees pursuant to this  
22 article or Article 9 (commencing with Section 1900) shall be  
23 approved, modified, or rejected by the board within 90 days of  
24 submission of the recommendation to the board. If the board rejects  
25 or significantly modifies the intent or scope of the recommendation,  
26 the committees may request that the board provide its reasons in  
27 writing for rejecting or significantly modifying the  
28 recommendation, *which shall be provided by the board within 30*  
29 *days of the request.*

30     ~~SEC. 20.~~

31     ~~SEC. 21.~~ Section 1750.4 of the Business and Professions Code  
32 is amended to read:

33     1750.4. (a) A dentist who holds a valid, active, and current  
34 license to practice dentistry under this chapter may train and  
35 educate his or her employees, or employees of the dental office,  
36 primary care clinic, or hospital where the dentist is practicing and  
37 directly supervises the employees, without charge or cost to the  
38 employees, in all of the allowable duties for the purpose of  
39 licensure in one of the specialty licensure categories set forth in  
40 Section 1750.2. A dentist may not begin the work experience

1 training and education of an employee until his or her application  
2 for that particular employee is approved by the board.

3 (1) In order to train or educate pursuant to this subdivision, the  
4 dentist shall be subject to the following terms and conditions,  
5 which are applicable prior to commencing training for each  
6 employee:

7 (A) On a completed and signed application form approved by  
8 the board, the dentist shall provide the specialty dental assistant  
9 category in which the dentist will be training the employee and  
10 the name of the employee. When the board provides a requested  
11 application to an employer, the board shall also provide a copy of  
12 the regulations governing the education and training of the specialty  
13 assistants. Nothing in this section shall preclude the board from  
14 making the application and the regulations available electronically.

15 (B) The education and training the dentist provides shall be in  
16 compliance with the regulations adopted by the board pursuant to  
17 subdivision (b) of Section 1750.2. Employees trained pursuant to  
18 this section shall be considered bona fide students, as described  
19 in Section 1626.5, as added by Section 6 of Chapter 655 of the  
20 Statutes of 1999. The dentist shall not allow the employee to begin  
21 the clinical training on patients until the employee has completed  
22 the didactic and preclinical training, that includes nonpatient  
23 training on typodonts and other laboratory models and as prescribed  
24 in regulations, and a minimum of 120 days as a dental assistant in  
25 California or another state, which may include graduation from a  
26 regional occupational center or regional occupation program  
27 pursuant to paragraph (1) of subdivision (b).

28 (C) The dentist shall pay a fee to the board to cover  
29 administrative costs not to exceed two hundred fifty dollars (\$250).

30 (D) Prior to beginning employee training, the dentist shall  
31 complete a teaching methodology course approved by the board  
32 that is six hours in length and covers educational objectives,  
33 content, instructional methods, and evaluation procedures. The  
34 dentist shall be exempt from this requirement if he or she holds  
35 any one of the following degrees, credentials, or positions:

36 (i) A postgraduate degree in education.

37 (ii) A Ryan Designated Subjects Vocational Education Teaching  
38 Credential.

39 (iii) A Standard Designated Subjects Teaching Credential.

40 (iv) A Community College Teaching Credential.

1 (v) Is a faculty member of a dental school approved by the  
2 Commission on Dental Accreditation.

3 The dentist shall provide to the board proof of one of these  
4 designations or shall submit a certificate of course completion in  
5 teaching methodology.

6 (2) All duties performed by an employee pursuant to this section  
7 shall be done in the dentist's presence. The dentist shall ensure  
8 that any patient treated by a bona fide student is verbally informed  
9 of the student's status.

10 (3) The work experience pathway for the employee shall not  
11 exceed a term of 18 months, starting on the date that the board  
12 receives the form, curriculum plan, and fee required pursuant to  
13 subparagraphs (A), (B), and (C) of paragraph (1).

14 (4) Upon successful completion of the work experience pathway  
15 period, the dentist shall certify in writing that the employee has  
16 successfully completed the educational program covering all  
17 procedures authorized for the specialty category for which the  
18 employee is seeking licensure.

19 (5) With respect to this subdivision, the board:

20 (A) Shall approve the application form described in  
21 subparagraph (A) of paragraph (1). The application form shall not  
22 be required to comply with the provisions of Chapter 3.5  
23 (commencing with Section 11340) of Part 1 of Division 3 of Title  
24 2 of the Government Code.

25 (B) Shall have a maximum of 60 days from the date a completed  
26 application is received in which to approve or deny an application  
27 under this subdivision. Nothing in this section shall prohibit a  
28 dentist from appealing the denial of an application to the executive  
29 officer of the board or, in the absence of the executive officer, to  
30 the assistant executive officer of the board.

31 (C) May inspect the dentist's facilities and practice at any time  
32 to ensure compliance with regulations adopted by the board  
33 pursuant to Section 1750.2.

34 (b) As a condition for licensure for specialty registration under  
35 Section 1750.2, an applicant who completes a work experience  
36 pathway pursuant to this section shall do the following:

37 (1) Certify to the board that he or she has a minimum of 1600  
38 hours of prior work experience as a dental assistant. The 1600  
39 hours of required work experience may be obtained by working  
40 for multiple employers, if the applicant provides written evidence

1 of work experience from each dentist employer. The employee  
2 may begin the work experience pathway before he or she completes  
3 1600 hours of work experience, but may not apply for licensure  
4 until that work experience is completed. The board shall give credit  
5 toward the 1600 hours of work experience to persons who have  
6 graduated from a dental assisting program in a postsecondary  
7 institution, secondary institution, regional occupational center, or  
8 regional occupation program that is not approved by the board.  
9 The credit shall equal the hours spent in classroom training and  
10 internship on an hour-for-hour basis not to exceed 400 hours.

11 (2) Certify to the board that he or she has completed the  
12 educational program covering all procedures authorized for the  
13 specialty category for which the applicant is seeking licensure.

14 (3) Obtain a passing score on a written examination developed,  
15 for the specialty category for which the employee is seeking  
16 licensure, by the Dental Assisting National Board (DANB) and  
17 approved by the board.

18 (4) Obtain a passing score on a practical examination for the  
19 specialty category for which the employee is seeking licensure  
20 that is approved by the board.

21 *SEC. 21.5. Section 1750.4 of the Business and Professions*  
22 *Code is amended to read:*

23 1750.4. (a) A dentist who holds ~~a valid, an active, and current,~~  
24 ~~and unrestricted~~ license to practice dentistry under this chapter  
25 may train and educate his or her employees, or employees of the  
26 dental office, primary care clinic, or hospital where the dentist is  
27 practicing and directly supervises the employees, without charge  
28 or cost to the employees, in all of the allowable duties for the  
29 purpose of licensure in one of the specialty licensure categories  
30 set forth in Section 1750.2. A dentist may not begin the work  
31 experience training and education of an employee until his or her  
32 application for that particular employee is approved by the  
33 ~~Committee on Dental Auxiliaries~~ board. *For purposes of this*  
34 *subdivision, an unrestricted license means a license that is not*  
35 *suspended, placed on probation, or restricted pursuant to*  
36 *subparagraph (B) or (C) of paragraph (3) of subdivision (a) of*  
37 *Section 1635.5.*

38 (1) In order to train or educate pursuant to this subdivision, the  
39 dentist shall be subject to the following terms and conditions,



1 which are applicable prior to commencing training for each  
2 employee:

3 (A) On a completed and signed application form approved by  
4 the ~~committee board~~, the dentist shall provide the specialty dental  
5 assistant category in which the dentist will be training the employee  
6 and the name of the employee. When the ~~committee board~~ provides  
7 a requested application to an employer, the ~~committee board~~ shall  
8 also provide a copy of the regulations governing the education and  
9 training of the specialty assistants. ~~Nothing in this section shall~~  
10 ~~preclude the committee from making the application and the~~  
11 ~~regulations available electronically or provide access to the~~  
12 ~~regulations on the board's Internet Web site.~~

13 (B) The education and training the dentist provides shall be in  
14 compliance with the regulations adopted by the board pursuant to  
15 subdivision ~~(b)~~ (c) of Section 1750.2. Employees trained pursuant  
16 to this section shall be considered bona fide students, as described  
17 in Section 1626.5, as added by Section 6 of Chapter 655 of the  
18 Statutes of 1999. The dentist shall not allow the employee to begin  
19 the clinical training on patients until the employee has completed  
20 the didactic and preclinical training, that includes nonpatient  
21 training on typodonts and other laboratory models and as prescribed  
22 in regulations, and a minimum of 120 days as a dental assistant in  
23 California or another state, which may include graduation from a  
24 regional occupational center or regional occupation program  
25 pursuant to paragraph (1) of subdivision (b).

26 (C) The dentist shall pay a fee to the ~~committee board~~ to cover  
27 administrative costs not to exceed two hundred fifty dollars (\$250)  
28 *for each employee he or she is training and educating. If a dentist*  
29 *is training and educating an employee in more than one of the*  
30 *specialty licensure categories at the same time, the dentist shall*  
31 *pay the fee for each category in which the employee is being*  
32 *trained and educated.*

33 (D) Prior to beginning employee training, the dentist shall  
34 complete a teaching methodology course approved by the board  
35 that is six hours in length and covers educational objectives,  
36 content, instructional methods, and evaluation procedures. The  
37 dentist shall be exempt from this requirement if he or she holds  
38 any one of the following degrees, credentials, or positions:

39 (i) A postgraduate degree in education.

1 (ii) A Ryan Designated Subjects Vocational Education Teaching  
2 Credential.

3 (iii) A Standard Designated Subjects Teaching Credential.

4 (iv) A Community College Teaching Credential.

5 (v) Is a faculty member of a dental school approved by the  
6 Commission on Dental Accreditation.

7 The dentist shall provide to the board proof of one of these  
8 designations or shall submit a certificate of course completion in  
9 teaching methodology.

10 (2) All duties performed by an employee pursuant to this section  
11 shall be done in the dentist's presence. The dentist shall ensure  
12 that any patient treated by a bona fide student is verbally informed  
13 of the student's status.

14 (3) The work experience pathway for the employee shall not  
15 exceed a term of 18 months, starting on the date that the board  
16 receives the form, curriculum plan, and fee required pursuant to  
17 subparagraphs (A), (B), and (C) of paragraph (1) *approves the*  
18 *application submitted by the dentist for that employee.*

19 (4) Upon successful completion of the work experience pathway  
20 period, the dentist shall certify in writing that the employee has  
21 successfully completed the educational program covering all  
22 procedures authorized for the specialty category for which the  
23 employee is seeking licensure.

24 (5) With respect to this subdivision, ~~the committee~~ *board*:

25 (A) Shall approve the application form described in  
26 subparagraph (A) of paragraph (1). The application form shall not  
27 be required to comply with the provisions of Chapter 3.5  
28 (commencing with Section 11340) of Part 1 of Division 3 of Title  
29 2 of the Government Code.

30 (B) Shall have a maximum of 60 days from the date a completed  
31 application is received in which to approve or deny an application  
32 under this subdivision. Nothing in this section shall prohibit a  
33 dentist from appealing the denial of an application to the executive  
34 officer of the ~~committee~~ or, in the absence of the executive officer,  
35 ~~to the assistant executive officer of the committee~~ *board*.

36 (C) May inspect the dentist's facilities and practice at any time  
37 to ensure compliance with regulations adopted by the board  
38 pursuant to Section 1750.2.

39 (D) *May revoke an approval for a dentist to provide training*  
40 *or education pursuant to this section if the dentist is disciplined*

1 *by the board, fails to provide the training or education in*  
2 *accordance with the law and regulations governing the specialty*  
3 *licensure category, or fails to allow an inspection by the board,*  
4 *or other good cause. A dentist whose approval is revoked may*  
5 *appeal the revocation to the board's executive officer.*

6 *(E) May limit by regulations, approved by the board, the number*  
7 *of times a dentist may train or educate an individual employee in*  
8 *one or more of the specialty licensure categories.*

9 *(F) May limit by regulations, approved by the board, the number*  
10 *of employees a dentist may train during the same time period.*

11 *(G) May by regulations, approved by the board, require an*  
12 *applicant for licensure who has repeatedly failed to pass either*  
13 *the written or practical examination for the specialty licensure*  
14 *category to complete additional training and education before he*  
15 *or she is allowed to retake the examination.*

16 (b) As a condition for licensure for specialty registration under  
17 Section 1750.2, an applicant who completes a work experience  
18 pathway pursuant to this section shall do the following:

19 (1) Certify to the board that he or she has a minimum of 1600  
20 hours of prior work experience as a dental assistant. The 1600  
21 hours of required work experience may be obtained by working  
22 for multiple employers, if the applicant provides written evidence  
23 of work experience from each dentist employer. The employee  
24 may begin the work experience pathway before he or she completes  
25 1600 hours of work experience, but may not apply for licensure  
26 until that work experience is completed. The board shall give credit  
27 toward the 1600 hours of work experience to persons who have  
28 graduated from a dental assisting program in a postsecondary  
29 institution, secondary institution, regional occupational center, or  
30 regional occupation program that is not approved by the board.  
31 The credit shall equal the hours spent in classroom training and  
32 internship on an hour-for-hour basis not to exceed 400 hours.

33 (2) Certify to the board that he or she has completed the  
34 educational program covering all procedures authorized for the  
35 specialty category for which the applicant is seeking licensure.

36 ~~(3) Obtain a passing score on a written examination developed,~~  
37 ~~for the specialty category for which the employee is seeking~~  
38 ~~licensure, by the Dental Assisting National Board (DANB) and~~  
39 ~~approved by the board.~~

1 (3) Obtain a passing score on a written examination that is  
2 approved by the board and administered by the board or by an  
3 entity that is recommended by the board. The board may enter into  
4 a written agreement with a public or private organization for the  
5 administration of the examination. All aspects of the examination  
6 shall comply with Section 139.

7 (4) Obtain a passing score on ~~a~~ the practical examination for  
8 the specialty category for which the employee is seeking licensure  
9 that is approved by the board ~~and administered by the board or~~  
10 ~~by an entity recommended by the board.~~ The board may enter into  
11 a written agreement with a public or private organization for the  
12 administration of the examination. All aspects of the examination  
13 shall comply with Section 139.

14 ~~SEC. 21.~~

15 SEC. 22. Section 1751 of the Business and Professions Code,  
16 as amended by Section 8 of Chapter 621 of the Statutes of 2005,  
17 is amended to read:

18 1751. (a) The board, upon recommendation of the dental  
19 assisting committee, shall adopt regulations governing the  
20 procedures that dental assistants, ~~registered orthodontic assistants,~~  
21 ~~registered surgery assistants, registered restorative assistants,~~  
22 ~~registered dental assistants, registered restorative assistants in~~  
23 ~~extended functions, and registered dental assistants in extended~~  
24 ~~functions licensed under this chapter~~ are authorized to perform  
25 consistent with and necessary to implement the provisions of this  
26 article, and the settings within which each may practice.

27 (b) The board shall conduct an initial review of the procedures,  
28 supervision level, settings under which they may be performed,  
29 and utilization of extended functions dental ~~auxiliaries~~ assistants  
30 by January 1, 2012. The board shall submit the results of its review  
31 to the Joint Committee on Boards, Commissions, and Consumer  
32 Protection. After the initial review, a review shall be conducted at  
33 least once every five to seven years thereafter and the board shall  
34 update regulations as necessary to keep them current with the state  
35 of dental practice.

36 (c) This section shall become operative on January 1, 2008.

37 SEC. 22.2. Section 1751 of the Business and Professions Code,  
38 as amended by Section 7.1 of Chapter 621 of the Statutes of 2005,  
39 is amended to read:

1 1751. (a) By September 15, 1993, the board, upon  
2 recommendation of the *dental assisting* committee, consistent with  
3 this article, standards of good dental practice, and the health and  
4 welfare of patients, shall adopt regulations relating to the functions  
5 that may be performed by dental assistants *licensed under this*  
6 *chapter* under direct or general supervision, and the settings within  
7 which dental assistants *licensed under this chapter* may work. At  
8 least once every seven years thereafter, the board shall review the  
9 list of functions performable by dental assistants *licensed under*  
10 *this chapter*, the supervision level, and settings under which they  
11 may be performed, and shall update the regulations as needed to  
12 keep them current with the state of the practice.

13 (b) Under the supervision of a registered dental hygienist in  
14 alternative practice, a dental assistant may perform intraoral  
15 retraction and suctioning.

16 (c) This section shall ~~become inoperative on December 31,~~  
17 ~~2007, and, as of remain in effect only until January 1, 2008, 2010,~~  
18 ~~and as of that date~~ is repealed, unless a later enacted statute, that  
19 is enacted before January 1, ~~2008 2010~~, deletes or extends the  
20 ~~dates on which it becomes inoperative and is repealed that date.~~

21 *SEC. 22.4. Section 1751 of the Business and Professions Code,*  
22 *as amended by Section 8 of Chapter 621 of the Statutes of 2005,*  
23 *is amended to read:*

24 1751. (a) The board, upon recommendation of the *dental*  
25 *assisting* committee, shall adopt regulations governing the  
26 procedures that dental assistants, ~~registered orthodontic assistants,~~  
27 ~~registered surgery assistants, registered restorative assistants,~~  
28 ~~registered dental assistants, registered restorative assistants in~~  
29 ~~extended functions, and registered dental assistants in extended~~  
30 ~~functions~~ *licensed under this chapter* are authorized to perform  
31 consistent with and necessary to implement the provisions of this  
32 article, and the settings within which each may practice.

33 (b) The board shall conduct an initial review of the procedures,  
34 supervision level, settings under which they may be performed,  
35 and utilization of extended functions dental ~~auxiliaries~~ *assistants*  
36 by January 1, 2012. The board shall submit the results of its review  
37 to the Joint Committee on Boards, Commissions, and Consumer  
38 Protection. After the initial review, a review shall be conducted at  
39 least once every five to seven years thereafter and the board shall

1 update regulations as necessary to keep them current with the state  
2 of dental practice.

3 (c) This section shall become operative on January 1, 2008  
4 2010.

5 *SEC. 22.6. Section 1751 of the Business and Professions Code,*  
6 *as amended by Section 8 of Chapter 621 of the Statutes of 2005,*  
7 *is amended to read:*

8 1751. (a) The board, upon recommendation of the *dental*  
9 *assisting* committee, shall adopt regulations governing the  
10 procedures that dental assistants, ~~registered orthodontic assistants,~~  
11 ~~registered surgery assistants, registered restorative assistants,~~  
12 ~~registered dental assistants, registered restorative assistants in~~  
13 ~~extended functions, and registered dental assistants in extended~~  
14 ~~functions~~ *licensed under this chapter* are authorized to perform  
15 consistent with and necessary to implement the provisions of this  
16 article, and the settings within which each may practice.

17 (b) The board shall conduct an initial review of the procedures,  
18 supervision level, settings under which they may be performed,  
19 and utilization of extended functions dental ~~auxiliaries~~ *assistants*  
20 by January 1, 2012. The board shall submit the results of its review  
21 to the ~~Joint Committee on Boards, Commissions, and Consumer~~  
22 ~~Protection~~ *Legislature and the Office of the Consumer Advocate.*  
23 After the initial review, a review shall be conducted at least once  
24 every five to seven years thereafter and the board shall update  
25 regulations as necessary to keep them current with the state of  
26 dental practice.

27 (c) This section shall become operative on January 1, 2008.

28 *SEC. 22.8. Section 1751 of the Business and Professions Code,*  
29 *as amended by Section 8 of Chapter 621 of the Statutes of 2005,*  
30 *is amended to read:*

31 1751. (a) The board, upon recommendation of the *dental*  
32 *assisting* committee, shall adopt regulations governing the  
33 procedures that dental assistants, ~~registered orthodontic assistants,~~  
34 ~~registered surgery assistants, registered restorative assistants,~~  
35 ~~registered dental assistants, registered restorative assistants in~~  
36 ~~extended functions, and registered dental assistants in extended~~  
37 ~~functions~~ *licensed under this chapter* are authorized to perform  
38 consistent with and necessary to implement the provisions of this  
39 article, and the settings within which each may practice.

(b) The board shall conduct an initial review of the procedures, supervision level, settings under which they may be performed, and utilization of extended functions dental auxiliaries assistants by January 1, 2012. The board shall submit the results of its review to the ~~Joint Committee on Boards, Commissions, and Consumer Protection~~ Legislature and the Office of the Consumer Advocate. After the initial review, a review shall be conducted at least once every five to seven years thereafter and the board shall update regulations as necessary to keep them current with the state of dental practice.

(c) This section shall become operative on January 1, 2008 2010.

~~SEC. 22.~~

SEC. 23. Section 1753 of the Business and Professions Code is amended to read:

1753. (a) On and after January 1, 2008, the board shall license as a registered dental assistant in extended functions a person who submits written evidence, satisfactory to the board, of all of the following:

(1) Current licensure as a registered dental assistant, or completion of the requirements for licensure as a registered dental assistant, as provided in Section 1752.5.

(2) Successful completion of either of the following:

(A) An extended functions postsecondary program approved by the board in all of the procedures specified in Section 1753.1.

(B) An extended functions postsecondary program approved by the board on or before *July 1, 2007*, to teach the duties that registered dental assistants in extended functions were allowed to perform pursuant to board regulations prior to January 1, 2008, and a course approved by the board in the procedures specified in paragraphs (8) through (13) of subdivision (b) of Section 1753.1.

(3) Successful completion of board-approved courses in radiation safety and, within the last two years, courses in infection control, California dental law, and basic life support.

(4) Satisfactory performance on a written examination and a clinical or practical examination specified by the board. The board shall designate whether the written examination shall be administered by the dental assisting committee.

(b) On and after January 1, 2008, the board shall license as a registered restorative assistant in extended functions a person who

1 submits written evidence, satisfactory to the board, of all of the  
2 following:

3 (1) Completion of 12 months of satisfactory work experience  
4 as a dental assistant in California or another state. The board shall  
5 give credit toward the 12 months of work experience to persons  
6 who have graduated from a dental assisting program in a  
7 postsecondary institution, secondary institution, regional  
8 occupational center, or regional occupation program that are not  
9 approved by the board. The credit shall equal the total weeks spent  
10 in classroom training and internship on a week-for-week basis,  
11 not to exceed 16 weeks.

12 (2) Successful completion of a board-approved course in  
13 radiation safety, and, within the last two years, courses in infection  
14 control, California dental law, and basic life support.

15 (3) Successful completion of a postsecondary program approved  
16 by the board for restorative dental assisting specialty registration  
17 specified in subdivision (c) of Section 1750.3.

18 (4) Successful completion of an extended functions  
19 postsecondary program approved by the board in all of the  
20 procedures specified in Section 1753.1.

21 (5) Satisfactory performance on a written examination and a  
22 clinical or practical examination specified by the board. The board  
23 shall designate whether the written examination shall be  
24 administered by the dental assisting committee.

25 (c) In approving extended functions postsecondary programs  
26 required to be completed for licensure pursuant to this section, the  
27 board shall require that the programs be taught by persons having  
28 prior experience teaching the applicable procedures specified in  
29 Section 1753.1, or procedures otherwise authorized by the board  
30 pursuant to Section 1751, in a dental school approved either by  
31 the Commission on Dental Accreditation or a comparable  
32 organization approved by the board. Approved programs shall  
33 include didactic, laboratory, and clinical modalities.

34 (d) The board may approve extended functions postsecondary  
35 programs referred to in this section prior to January 1, 2008, and  
36 the board shall recognize the completion of these approved  
37 programs prior to January 1, 2008.

38 *SEC. 23.5. Section 1753 of the Business and Professions Code*  
39 *is amended to read:*



1 1753. (a) On and after January 1, ~~2008~~ 2010, the board shall  
2 license as a registered dental assistant in extended functions a  
3 person who submits written evidence, satisfactory to the board, of  
4 all of the following:

5 (1) Current licensure as a registered dental assistant, or  
6 completion of the requirements for licensure as a registered dental  
7 assistant, as provided in Section 1752.5.

8 (2) Successful completion of either of the following:

9 (A) An extended functions postsecondary program approved  
10 by the board in all of the procedures specified in Section 1753.1.

11 (B) An extended functions postsecondary program approved  
12 by the board on or before to teach the duties that registered dental  
13 assistants in extended functions were allowed to perform pursuant  
14 to board regulations prior to January 1, ~~2008~~ 2010, and a course  
15 approved by the board in the procedures specified in paragraphs  
16 (8) through (13) of subdivision (b) of Section 1753.1.

17 (3) Successful completion of board-approved courses in  
18 radiation safety and, within the last two years, courses in infection  
19 control, California dental law, and basic life support.

20 (4) Satisfactory performance on a written examination and a  
21 clinical or practical examination specified by the board. The board  
22 shall designate whether the written examination shall be  
23 administered by the ~~committee or by the board-approved extended~~  
24 ~~functions program~~ *dental assisting committee*.

25 (b) On and after January 1, ~~2008~~ 2010, the board shall license  
26 as a registered restorative assistant in extended functions a person  
27 who submits written evidence, satisfactory to the board, of all of  
28 the following:

29 (1) Completion of 12 months of satisfactory work experience  
30 as a dental assistant in California or another state. The board shall  
31 give credit toward the 12 months of work experience to persons  
32 who have graduated from a dental assisting program in a  
33 postsecondary institution, secondary institution, regional  
34 occupational center, or regional occupation program that are not  
35 approved by the board. The credit shall equal the total weeks spent  
36 in classroom training and internship on a week-for-week basis,  
37 not to exceed 16 weeks.

38 (2) Successful completion of a board-approved course in  
39 radiation safety, and, within the last two years, courses in infection  
40 control, California dental law, and basic life support.

1 (3) Successful completion of a postsecondary program approved  
2 by the board for restorative dental assisting specialty registration  
3 specified in subdivision (c) of Section 1750.3.

4 (4) Successful completion of an extended functions  
5 postsecondary program approved by the board in all of the  
6 procedures specified in Section 1753.1.

7 (5) Satisfactory performance on a written examination and a  
8 clinical or practical examination specified by the board. The board  
9 shall designate whether the written examination shall be  
10 administered by the committee or by the board-approved extended  
11 functions program dental assisting committee.

12 (c) In approving extended functions postsecondary programs  
13 required to be completed for licensure pursuant to this section, the  
14 board shall require that the programs be taught by persons having  
15 prior experience teaching the applicable procedures specified in  
16 Section 1753.1, or procedures otherwise authorized by the board  
17 pursuant to Section 1751, in a dental school approved either by  
18 the Commission on Dental Accreditation or a comparable  
19 organization approved by the board. Approved programs shall  
20 include didactic, laboratory, and clinical modalities.

21 (d) The board may approve extended functions postsecondary  
22 programs referred to in this section prior to January 1, 2008 2010,  
23 and the board shall recognize the completion of these approved  
24 programs prior to January 1, 2008 2010.

25 ~~SEC. 23.~~

26 ~~SEC. 24.~~ Section 1760 of the Business and Professions Code  
27 is repealed.

28 ~~SEC. 24.~~

29 ~~SEC. 25.~~ Section 1760.5 of the Business and Professions Code  
30 is repealed.

31 ~~SEC. 25.~~

32 ~~SEC. 26.~~ Section 1761 of the Business and Professions Code  
33 is repealed.

34 ~~SEC. 26.~~

35 ~~SEC. 27.~~ Section 1762 of the Business and Professions Code  
36 is repealed.

37 ~~SEC. 27.~~

38 ~~SEC. 28.~~ Section 1763 of the Business and Professions Code  
39 is repealed.

~~SEC. 28.~~

~~SEC. 29.~~ Section 1764 of the Business and Professions Code is repealed.

~~SEC. 29.~~

~~SEC. 30.~~ Section 1765 of the Business and Professions Code is repealed.

~~SEC. 30.~~

~~SEC. 31.~~ Section 1766 of the Business and Professions Code is repealed.

~~SEC. 31.~~

~~SEC. 32.~~ Section 1767 of the Business and Professions Code is amended to read:

1767. The board, upon recommendation of the dental assisting committee, shall adopt regulations necessary to implement the provisions of this article.

~~SEC. 32.~~

~~SEC. 33.~~ Section 1768 of the Business and Professions Code is repealed.

~~SEC. 33.~~

~~SEC. 34.~~ Section 1769 of the Business and Professions Code is repealed.

~~SEC. 34.~~

~~SEC. 35.~~ Section 1770 of the Business and Professions Code, as amended by Section 23 of Chapter 621 of the Statutes of 2005, is amended to read:

1770. A licensed dentist may simultaneously utilize in his or her practice no more than three dental assistants in extended functions or registered dental hygienists in extended functions licensed pursuant to Sections 1753 and 1918.

*SEC. 35.2. Section 1770 of the Business and Professions Code, as amended by Section 22 of Chapter 621 of the Statutes of 2005, is amended to read:*

1770. (a) A licensed dentist may simultaneously utilize in his or her practice no more than two dental ~~auxiliaries~~ *assistants in extended functions or registered dental hygienists* in extended functions licensed pursuant to Sections 1756 and ~~1768~~ *1918*.

(b) This section shall ~~become inoperative on December 31, 2007, and, as of January 1, 2008, remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008~~ *2010, deletes*

1 or extends the dates on which it becomes inoperative and is  
2 repealed that date.

3 *SEC. 35.4. Section 1770 of the Business and Professions Code,*  
4 *as amended by Section 23 of Chapter 621 of the Statutes of 2005,*  
5 *is amended to read:*

6 1770. (a) A licensed dentist may simultaneously utilize in his  
7 or her practice no more than three dental ~~auxiliaries~~ *assistants in*  
8 *extended functions or registered dental hygienists* in extended  
9 functions licensed pursuant to Sections 1753 and ~~1768~~ 1918.

10 (b) This section shall become operative on January 1, ~~2008~~  
11 2010.

12 ~~SEC. 35.~~

13 *SEC. 36. Section 1771 of the Business and Professions Code*  
14 *is amended to read:*

15 1771. Any person, other than a person who has been issued a  
16 license by the board, who holds himself or herself out as a  
17 registered dental assistant, registered restorative assistant, registered  
18 orthodontic assistant, registered surgery assistant, registered  
19 restorative assistant in extended functions, or registered dental  
20 assistant in extended functions, or uses any other term indicating  
21 or implying he or she is licensed by the board as such, is guilty of  
22 a misdemeanor.

23 ~~SEC. 36.~~

24 *SEC. 37. Section 1772 of the Business and Professions Code*  
25 *is repealed.*

26 ~~SEC. 37.~~

27 *SEC. 38. Section 1774 of the Business and Professions Code*  
28 *is repealed.*

29 ~~SEC. 38.~~

30 *SEC. 39. Section 1775 of the Business and Professions Code*  
31 *is repealed.*

32 ~~SEC. 39.~~

33 *SEC. 40. Article 9 (commencing with Section 1900) is added*  
34 *to Chapter 4 of Division 2 of the Business and Professions Code,*  
35 *to read:*

Article 9. Dental Hygienists

1900. It is the intent of the Legislature by enactment of this article to permit the full utilization of dental hygienists in order to meet the dental care needs of all of the state's citizens.

1901. There is hereby created within the jurisdiction of the Dental Board of California a Dental Hygiene Committee of California in which the administration of this article is vested.

1902. For purposes of this article, the following definitions apply:

(a) "Committee" means the Dental Hygiene Committee of California.

(b) "Dental board" means the Dental Board of California.

(c) "Direct supervision" means the supervision of dental procedures based on instructions given by a licensed dentist who is required to be physically present in the treatment facility during the performance of those procedures.

(d) "General supervision" means the supervision of dental procedures based on instructions given by a licensed dentist who is not required to be physically present in the treatment facility during the performance of those procedures.

(e) "Oral prophylaxis" means preventive and therapeutic dental procedures that include bacterial debridements with complete removal, supra and subgingivally, of calculus, soft deposits, plaque, and stains, and the smoothing of tooth surfaces. The objective of this treatment is to create an environment in which the patient can maintain healthy hard and soft tissues.

1903. (a) (1) The committee shall consist of nine members appointed by the Governor. Four shall be public members, one member shall be a practicing general or public health dentist who holds a current license in California, and four members shall be registered dental hygienists who hold current licenses in California. Of the registered dental hygienists members, one shall be licensed either in alternative practice or in extended functions, one shall be a dental hygiene educator, and two shall be registered dental hygienists. No public member shall have been licensed under this chapter within five years of the date of his or her appointment or have any current financial interest in a dental-related business.

1 (2) For purposes of this subdivision, a public health dentist is  
2 a dentist whose primary employer or place of employment is in  
3 any of the following:

4 (A) A primary care clinic licensed under subdivision (a) of  
5 Section 1204 of the Health and Safety Code.

6 (B) A primary care clinic exempt from licensure pursuant to  
7 subdivision (c) of Section 1206 of the Health and Safety Code.

8 (C) A clinic owned or operated by a public hospital or health  
9 system.

10 (D) A clinic owned and operated by a hospital that maintains  
11 the primary contract with a county government to fill the county's  
12 role under Section 17000 of the Welfare and Institutions Code.

13 (b) Except for the initial term, members of the committee shall  
14 be appointed for a term of four years. Of the initial appointments,  
15 the terms shall expire as follows:

16 (1) The term of the licensed dentist member, one of the public  
17 members, and one of the registered dental hygienists shall expire  
18 on December 31, 2009.

19 (2) The term of a second public member, the other registered  
20 dental hygienist, and the registered dental hygienist in alternative  
21 practice or in extended functions shall expire on December 31,  
22 2011.

23 (3) The term of the remaining members shall expire on  
24 December 31, 2011.

25 (c) The committee shall elect a president, a vice president, and  
26 a secretary from its membership.

27 (d) No person shall serve as a member of the committee for  
28 more than two consecutive terms.

29 (e) A vacancy in the committee shall be filled by appointment  
30 to the unexpired term.

31 (f) Each member of the committee shall receive a per diem and  
32 expenses as provided in Section 103.

33 (g) The Governor shall have the power to remove any member  
34 from the committee for neglect of a duty required by law, for  
35 incompetence, or for unprofessional or dishonorable conduct.

36 (h) The committee, with the approval of the director, may  
37 appoint a person exempt from civil service who shall be designated  
38 as an executive officer and who shall exercise the powers and  
39 perform the duties delegated by the committee and vested in him  
40 or her by this article.

1 1904. The committee shall meet at least two times each  
2 calendar year and shall conduct additional meetings in appropriate  
3 locations that are necessary to transact its business.

4 1905. (a) The committee shall perform the following functions:

5 (1) Evaluate all registered dental hygienist, registered dental  
6 hygienist in alternative practice, and registered dental hygienist in  
7 extended functions educational programs that apply for approval  
8 and grant or deny approval of those applications in accordance  
9 with regulations adopted by the committee. Any such educational  
10 programs approved by the dental board on or before December  
11 31, 2007, shall be deemed approved by the committee. Any dental  
12 hygiene program accredited and in good standing by the  
13 Commission on Dental Accreditation shall be approved.

14 (2) Withdraw or revoke its prior approval of a registered dental  
15 hygienist, or registered dental hygienist in alternative practice, or  
16 registered dental hygienist in extended functions educational  
17 program in accordance with regulations adopted by the committee.  
18 The committee may withdraw or revoke a dental hygiene program  
19 approval if the program has been placed on probationary status by  
20 the Commission on Dental Accreditation.

21 (3) Review and evaluate all registered dental hygienist, ~~and~~  
22 registered dental hygienist in alternative practice, and registered  
23 dental hygienist in extended functions applications for licensure  
24 to ascertain whether the applicant meets the appropriate licensing  
25 requirements specified by statute and regulations, maintain  
26 application records, cashier application fees, issue and renew  
27 licenses, and perform any other tasks that are incidental to the  
28 application and licensure processes.

29 (4) Determine the appropriate type of license examination  
30 consistent with the provisions of this article, and develop or cause  
31 to be developed and administer examinations in accordance with  
32 regulations adopted by the committee.

33 (5) Determine the amount of fees assessed under this article,  
34 not to exceed the actual cost.

35 (6) Determine and enforce the continuing education  
36 requirements specified in this article.

37 (A) (i) If the committee determines that the public health and  
38 safety would be served by requiring all holders of licenses under  
39 this chapter to continue their education after receiving a license,  
40 it may require, as a condition to the renewal thereof, that a licensee

1 submit assurances satisfactory to the committee that he or she will,  
2 during the succeeding two-year period, inform himself or herself  
3 of the developments in the practice of dental hygiene occurring  
4 since the original issuance of his or her license by pursuing one  
5 or more courses of study satisfactory to the committee or by other  
6 means deemed equivalent by the committee.

7 (ii) The committee shall adopt, *amend, and revoke* regulations  
8 providing for the suspension of a license at the end of the two-year  
9 period until compliance with the assurances provided for in this  
10 section is accomplished.

11 (B) The committee may also, as a condition of license renewal,  
12 require licensees to successfully complete a portion of the required  
13 continuing education hours in specific areas adopted in regulations  
14 by the committee. The committee may prescribe this mandatory  
15 coursework within the general areas of patient care, health and  
16 safety, and law and ethics. The mandatory coursework prescribed  
17 by the committee shall not exceed seven and one-half hours per  
18 renewal period for dental hygienists. Any mandatory coursework  
19 required by the committee shall be credited toward the continuing  
20 education requirements established by the committee pursuant to  
21 subparagraph (A).

22 (7) Deny, suspend, or revoke a license under this article, or  
23 otherwise enforce the provisions of this article. Any such  
24 proceedings shall be conducted in accordance with Chapter 5  
25 (commencing with Section 11500) of Part 1 of Division 3 of Title  
26 2 of the Government Code, and the committee shall have all of  
27 the powers granted therein.

28 (8) Make recommendations to the board regarding scope of  
29 practice issues.

30 (9) Adopt, *amend, and revoke* rules and regulations to implement  
31 the provisions of this article, including the amount of required  
32 supervision by a registered dental hygienist or a registered dental  
33 hygienist in alternative practice of a registered dental assistant.

34 (b) The committee may employ employees and examiners that  
35 it deems necessary to carry out its functions and responsibilities  
36 under this article.

37 1905.1. Until January 1, 2009, the committee may contract  
38 with the dental board to carry out any of the provisions of this  
39 article. On and after January 1, 2009, the committee may contract



1 with the dental board to perform investigations of applicants and  
2 licensees under this article.

3 1906. (a) The committee shall adopt, *amend, and revoke*  
4 regulations to implement the requirements of this article.

5 (b) All regulations adopted by the committee shall comply with  
6 the provisions of Chapter 3.5 (commencing with Section 11340)  
7 of Part 1 of Division 3 of Title 2 of the Government Code.

8 (c) No regulation adopted by the committee shall impose a  
9 requirement or a prohibition directly upon a licensed dentist or on  
10 the administration of a dental office, unless specifically authorized  
11 by this article.

12 (d) Unless contrary to the provisions of this article, regulations  
13 adopted by the dental board shall continue to apply to registered  
14 dental hygienists, registered dental hygienists in alternative  
15 practice, and registered dental hygienists in extended functions  
16 until other regulations are adopted by the committee. All references  
17 in those regulations to “board” shall mean the committee, which  
18 shall solely enforce the regulations with respect to registered dental  
19 hygienists, registered dental hygienists in alternative practice, and  
20 registered dental hygienists in extended functions.

21 1907. The following functions may be performed by a  
22 registered dental hygienist in addition to those authorized pursuant  
23 to Sections 1908 to 1914, inclusive:

24 (a) All functions that may be performed by a registered dental  
25 assistant.

26 (b) All persons holding a license as a registered dental hygienist  
27 as of January 1, 2008, are authorized to perform the duties of a  
28 registered dental assistant specified in this chapter. All persons  
29 issued a license as a registered dental hygienist on or after January  
30 1, 2008, shall qualify for and receive a registered dental assistant  
31 license prior to performance of the duties of a registered dental  
32 assistant specified in this chapter.

33 1908. (a) The practice of dental hygiene includes dental  
34 hygiene assessment and development, planning, and  
35 implementation of a dental hygiene care plan. It also includes oral  
36 health education, counseling, and health screenings.

37 (b) The practice of dental hygiene does not include any of the  
38 following procedures:

39 (1) Diagnosis and comprehensive treatment planning.

1 (2) Placing, condensing, carving, or removal of permanent  
2 restorations.

3 (3) Surgery or cutting on hard and soft tissue including, but not  
4 limited to, the removal of teeth and the cutting and suturing of soft  
5 tissue.

6 (4) Prescribing medication.

7 (5) Administering local or general anesthesia or oral or  
8 parenteral conscious sedation, except for the administration of  
9 nitrous oxide and oxygen, whether administered alone or in  
10 combination with each other, or local anesthesia pursuant to Section  
11 1909.

12 1909. A registered dental hygienist is authorized to perform  
13 the following procedures under direct supervision of a licensed  
14 dentist, after submitting to the committee evidence of satisfactory  
15 completion of a course of instruction, approved by the committee,  
16 in the procedures:

17 (a) Soft-tissue curettage.

18 (b) Administration of local anesthesia.

19 (c) Administration of nitrous oxide and oxygen, whether  
20 administered alone or in combination with each other.

21 1909.5. Courses of instruction for direct supervision duties  
22 added to the scope of practice of dental hygiene ~~after the enactment~~  
23 ~~of this article on or after January 1, 2008~~, shall be submitted by  
24 the committee for approval by the dental board.

25 1910. A registered dental hygienist is authorized to perform  
26 the following procedures under general supervision:

27 (a) Preventive and therapeutic interventions, including oral  
28 prophylaxis, scaling, and root planing.

29 (b) Application of topical, therapeutic, and subgingival agents  
30 used for the control of caries and periodontal disease.

31 (c) The taking of impressions for bleaching trays and application  
32 and activation of agents with nonlaser, light-curing devices.

33 (d) The taking of impressions for bleaching trays and placements  
34 of in-office, tooth-whitening devices.

35 1911. (a) A registered dental hygienist may provide, without  
36 supervision, educational services, oral health training programs,  
37 and oral health screenings.

38 (b) A registered dental hygienist shall refer any screened patients  
39 with possible oral abnormalities to a dentist for a comprehensive  
40 examination, diagnosis, and treatment plan.

1 (c) In any public health program created by federal, state, or  
2 local law or administered by a federal, state, county, or local  
3 governmental entity, a registered dental hygienist may provide,  
4 without supervision, dental hygiene preventive services in addition  
5 to oral screenings, including, but not limited to, the application of  
6 fluorides and pit and fissure sealants.

7 1912. Any procedure performed or service provided by a  
8 registered dental hygienist that does not specifically require direct  
9 supervision shall require general supervision, so long as it does  
10 not give rise to a situation in the dentist's office requiring  
11 immediate services for alleviation of severe pain, or immediate  
12 diagnosis and treatment of unforeseeable dental conditions that,  
13 if not immediately diagnosed and treated, would lead to serious  
14 disability or death.

15 1913. Unless otherwise specified in this chapter, a registered  
16 dental hygienist may perform any procedure or provide any service  
17 within the scope of his or her practice in any setting, so long as  
18 the procedure is performed or the service is provided under the  
19 appropriate level of supervision required by this article.

20 1914. A registered dental hygienist may use any material or  
21 device approved for use in the performance of a service or  
22 procedure within his or her scope of practice under the appropriate  
23 level of supervision, if he or she has the appropriate education and  
24 training required to use the material or device.

25 1915. No person other than a registered dental hygienist or a  
26 licensed dentist may engage in the practice of dental hygiene or  
27 perform dental hygiene procedures on patients, including, but not  
28 limited to, supragingival and subgingival scaling, dental hygiene  
29 assessment, and treatment planning, except for the following  
30 persons:

31 (a) A student enrolled in a dental or a dental hygiene school  
32 who is performing procedures as part of the regular curriculum of  
33 that program under the supervision of the faculty of that program.

34 (b) A dental assistant acting in accordance with the rules of the  
35 dental board in performing the following procedures:

36 (1) Applying nonaerosol and noncaustic topical agents.

37 (2) Applying topical fluoride.

38 (3) Taking impression for bleaching trays.

39 (c) A registered dental assistant acting in accordance with the  
40 rules of the dental board in performing the following procedures:

1 (1) Polishing the coronal surfaces of teeth.

2 (2) Applying bleaching agents.

3 (3) Activating bleaching agents with a nonlaser light-curing  
4 device.

5 (4) Applying pit and fissure sealant.

6 (d) A registered dental assistant in extended functions acting in  
7 accordance with the rules of the dental board in applying pit and  
8 fissure sealants.

9 (e) A registered dental hygienist licensed in another jurisdiction  
10 performing a clinical demonstration for educational purposes.

11 1916. (a) An applicant for licensure under this article shall  
12 furnish fingerprint images for submission to state and federal  
13 criminal justice agencies, including, but not limited to, the Federal  
14 Bureau of Investigation, in order to establish the identity of the  
15 applicant and for the other purposes described in this section.

16 (b) The committee shall submit the fingerprint images to the  
17 Department of Justice for the purposes of obtaining criminal  
18 offender record information regarding state and federal level  
19 convictions and arrests, including arrests for which the Department  
20 of Justice establishes that the person is free on bail or on his or her  
21 own recognizance pending trial or appeal.

22 (c) When received, the Department of Justice shall forward to  
23 the Federal Bureau of Investigation requests for federal summary  
24 criminal history information received pursuant to this section. The  
25 Department of Justice shall review the information returned from  
26 the Federal Bureau of Investigation and compile and disseminate  
27 response to the committee.

28 (d) The Department of Justice shall provide a response to the  
29 committee pursuant to subdivision (p) of Section 11105 of the  
30 Penal Code.

31 (e) The committee shall request from the Department of Justice  
32 subsequent arrest notification service, as provided pursuant to  
33 Section 11105.2 of the Penal Code.

34 (f) The information obtained as a result of the fingerprinting  
35 shall be used in accordance with Section 11105 of the Penal Code,  
36 and to determine whether the applicant is subject to denial of  
37 licensure pursuant to Division 1.5 (commencing with Section 475)  
38 or Section 1628.5.

39 (g) The Department of Justice shall charge a fee sufficient to  
40 cover the cost of processing the request described in this section.

1 1917. The committee shall license as a registered dental  
2 hygienist a person who satisfies all of the following requirements:

3 (a) Completion of an educational program for registered dental  
4 hygienists, approved by the committee, accredited by the  
5 Commission on Dental Accreditation, and conducted by a  
6 degree-granting, postsecondary institution.

7 (b) Satisfactory performance on a clinical examination and an  
8 examination in California law and ethics as prescribed by the  
9 committee.

10 (c) Satisfactory completion of a national written dental hygiene  
11 examination approved by the committee.

12 1917.1. (a) The committee may grant a license as a registered  
13 dental hygienist to an applicant who has not taken a clinical  
14 examination before the committee, if the applicant submits all of  
15 the following to the committee::

16 (1) A completed application form and all fees required by the  
17 committee.

18 (2) Proof of a current license as a registered dental hygienist  
19 issued by another state that is not revoked, suspended, or otherwise  
20 restricted.

21 (3) Proof that the applicant has been in clinical practice as a  
22 registered dental hygienist or has been a full-time faculty member  
23 in an accredited dental hygiene education program for a minimum  
24 of 750 hours per year for at least five years preceding the date of  
25 his or her application under this section. The clinical practice  
26 requirement shall be deemed met if the applicant provides proof  
27 of at least three years of clinical practice and commits to  
28 completing the remaining two years of clinical practice by filing  
29 with the committee a copy of a pending contract to practice dental  
30 hygiene in any of the following facilities:

31 (A) A primary care clinic licensed under subdivision (a) of  
32 Section 1204 of the Health and Safety Code.

33 (B) A primary care clinic exempt from licensure pursuant to  
34 subdivision (c) of Section 1206 of the Health and Safety Code.

35 (C) A clinic owned or operated by a public hospital or health  
36 system.

37 (D) A clinic owned and operated by a hospital that maintains  
38 the primary contract with a county government to fill the county's  
39 role under Section 17000 of the Welfare and Institutions Code.

1 (4) Satisfactory performance on a California law and ethics  
2 examination and any examination that may be required by the  
3 committee.

4 (5) Proof that the applicant has not been subject to disciplinary  
5 action by any state in which he or she is or has been previously  
6 licensed as a registered dental hygienist or dentist. If the applicant  
7 has been subject to disciplinary action, the committee shall review  
8 that action to determine if it warrants refusal to issue a license to  
9 the applicant.

10 (6) Proof of graduation from a school of dental hygiene  
11 accredited by the Commission on Dental Accreditation.

12 (7) Proof of satisfactory completion of the Dental Hygiene  
13 National Board Examination and of a state or regional clinical  
14 licensure examination.

15 (8) Proof that the applicant has not failed the examination for  
16 licensure to practice dental hygiene under this chapter more than  
17 once or once within five years prior to the date of his or her  
18 application for a license under this section.

19 (9) Documentation of completion of a minimum of 25 units of  
20 continuing education earned in the two years preceding application,  
21 including completion of any continuing education requirements  
22 imposed by the committee on registered dental hygienists licensed  
23 in this state at the time of application.

24 (10) Any other information as specified by the committee to  
25 the extent that it is required of applicants for licensure by  
26 examination under this article.

27 (b) The committee may periodically request verification of  
28 compliance with the requirements of paragraph (3) of subdivision  
29 (a), and may revoke the license upon a finding that the employment  
30 requirement or any other requirement of paragraph (3) of  
31 subdivision (a) has not been met.

32 (c) The committee shall provide in the application packet to  
33 each out-of-state dental hygienist pursuant to this section the  
34 following information:

35 (1) The location of dental manpower shortage areas in the state.

36 (2) Any not-for-profit clinics, public hospitals, and accredited  
37 dental hygiene education programs seeking to contract with  
38 licensees for dental hygiene service delivery or training purposes.

39 (d) The committee shall review the impact of this section on  
40 the availability of actively practicing registered dental hygienists

1 in California and report to the appropriate policy and fiscal  
2 committees of the Legislature by January 1, 2012. The report shall  
3 include a separate section providing data specific to registered  
4 dental hygienists who intend to fulfill the alternative clinical  
5 practice requirements of subdivision (a). The report shall include,  
6 but shall not be limited to, the following:

7 (1) The number of applicants from other states who have sought  
8 licensure.

9 (2) The number of registered dental hygienists from other states  
10 licensed pursuant to this section, the number of licenses not  
11 granted, and the reason why the license was not granted.

12 (3) The practice location of registered dental hygienists licensed  
13 pursuant to this section. In identifying a registered dental  
14 hygienist's location of practice, the committee shall use medical  
15 service study areas or other appropriate geographic descriptions  
16 for regions of the state.

17 (4) The number of registered dental hygienists licensed pursuant  
18 to this section who establish a practice in a rural area or in an area  
19 designated as having a shortage of practicing registered dental  
20 hygienists or no registered dental hygienists or in a safety net  
21 facility identified in paragraph (3) of subdivision (a).

22 (5) The length of time registered dental hygienists licensed  
23 pursuant to this section practiced in the reported location.

24 1917.2. (a) The committee shall license as a registered dental  
25 hygienist a third- or fourth-year dental student who is in good  
26 standing at an accredited California dental school and who satisfies  
27 the following requirements:

28 (1) Satisfactorily performs on a clinical examination and an  
29 examination in California law and ethics as prescribed by the  
30 committee.

31 (2) Satisfactorily completes a national written dental hygiene  
32 examination approved by the committee.

33 (b) A dental student who is granted a registered dental hygienist  
34 license pursuant to this section may only practice in a dental  
35 practice that serves patients who are insured under Denti-Cal, the  
36 Healthy Families Program, or other government programs, or a  
37 dental practice that has a sliding scale fee system based on income.

38 (c) Upon receipt of a license to practice dentistry pursuant to  
39 Section 1634, a registered dental hygienist license issued pursuant  
40 to this subdivision is automatically revoked.

(d) The dental hygienist license is granted for two years upon passage of the dental hygiene examination, without the ability for renewal.

(e) Notwithstanding subdivision (d), if a dental student fails to remain in good standing at an accredited California dental school, or fails to graduate from the dental program, a registered dental hygienist license issued pursuant to this section shall be revoked. The student shall be responsible for submitting appropriate verifying documentation to the committee.

(f) The provisions of this section shall be reviewed pursuant to Division 1.2 (commencing with Section 473). However, the review shall be limited to the fiscal feasibility and impact on the committee.

(g) This section shall become inoperative as of January 1, ~~2010~~ 2012.

1918. The committee shall license as a registered dental hygienist in extended functions a person who meets all of the following requirements:

(a) Holds a current license as a registered dental hygienist in California.

(b) Completes clinical training approved by the committee in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

(c) Performs satisfactorily on an examination required by the committee.

1920. (a) A person who holds a current and active license as a registered dental hygienist in extended functions or a registered dental hygienist in alternative practice on January 1, 2008, shall automatically be issued a license as a registered dental hygienist, unless the person holds a current and active registered dental hygienist license.

(b) A registered dental hygienist license issued pursuant to this section shall expire on the same date as the person's registered dental hygienist, registered dental hygienist in alternative practice, or registered dental hygienist in extended functions license, and shall be subject to the same renewal and other requirements imposed by law or regulation on a license.

1922. The committee shall license as a registered dental hygienist in alternative practice a person who demonstrates satisfactory performance on an examination in California law and



1 ethics required by the committee and who meets either of the  
2 following requirements:

3 (a) Holds a current California license as a registered dental  
4 hygienist and meets the following requirements:

5 (1) Has been engaged in the practice of dental hygiene, as  
6 defined in Section 1908, as a registered dental hygienist in any  
7 setting, including, but not limited to, educational settings and public  
8 health settings, for a minimum of 2,000 hours during the  
9 immediately preceding 36 months.

10 (2) Has successfully completed a bachelor's degree or its  
11 equivalent from a college or institution of higher education that is  
12 accredited by a national agency recognized by the Council on  
13 Postsecondary Accreditation or the United States Department of  
14 Education, and a minimum of 150 hours of additional educational  
15 requirements, as prescribed by the committee by regulation, that  
16 are consistent with good dental and dental hygiene practice,  
17 including, but not necessarily limited to, dental hygiene technique  
18 and theory including gerontology and medical emergencies, and  
19 business administration and practice management.

20 (b) Has received a letter of acceptance into the employment  
21 utilization phase of the Health Manpower Pilot Project No. 155  
22 established by the Office of Statewide Health Planning and  
23 Development pursuant to Article 1 (commencing with Section  
24 128125) of Chapter 3 of Part 3 of Division 107 of the Health and  
25 Safety Code.

26 1924. A person licensed as a registered dental hygienist who  
27 has completed the prescribed classes through the Health Manpower  
28 Pilot Project (HMPP) and who has established an independent  
29 practice under the HMPP by June 30, 1997, shall be deemed to  
30 have satisfied the licensing requirements under Section 1922, and  
31 shall be authorized to continue to operate the practice he or she  
32 presently operates, so long as he or she follows the requirements  
33 for prescription and functions as specified in Sections 1922, 1925,  
34 1926, 1927, 1928, 1930, and 1931, and subdivision (b) of Section  
35 1929, and as long as he or she continues to personally practice and  
36 operate the practice or until he or she sells the practice to a licensed  
37 dentist.

38 1925. A registered dental hygienist in alternative practice may  
39 practice, pursuant to Sections 1922, 1923, and 1924, as an  
40 employee of a dentist or of another registered dental hygienist in

1 alternative practice, as an independent contractor, as a sole  
2 proprietor of an alternative dental hygiene practice, as an employee  
3 of a primary care clinic or specialty clinic that is licensed pursuant  
4 to Section 1204 of the Health and Safety Code, as an employee of  
5 a primary care clinic exempt from licensure pursuant to subdivision  
6 (c) of Section 1206 of the Health and Safety Code, as an employee  
7 of a clinic owned or operated by a public hospital or health system,  
8 or as an employee of a clinic owned and operated by a hospital  
9 that maintains the primary contract with a county government to  
10 fill the county's role under Section 17000 of the Welfare and  
11 Institutions Code.

12 1926. A registered dental hygienist in alternative practice may  
13 perform the duties authorized pursuant to Sections 1922, 1923,  
14 and 1924 in the following settings:

- 15 (a) Residences of the homebound.
- 16 (b) Schools.
- 17 (c) Residential facilities and other institutions.
- 18 (d) Dental health professional shortage areas, as certified by the  
19 Office of Statewide Health Planning and Development in  
20 accordance with existing office guidelines.

21 1927. A registered dental hygienist in alternative practice shall  
22 not do any of the following:

- 23 (a) Infer, purport, advertise, or imply that he or she is in any  
24 way able to provide dental services or make any type of dental  
25 health diagnosis beyond evaluating a patient's dental hygiene  
26 status, providing a dental hygiene treatment plan, and providing  
27 the associated dental hygiene services.
- 28 (b) Hire a registered dental hygienist to provide direct patient  
29 services other than a registered dental hygienist in alternative  
30 practice.

31 1928. A registered dental hygienist in alternative practice may  
32 submit or allow to be submitted any insurance or third-party claims  
33 for patient services performed as authorized pursuant to this article.

34 1929. (a) A registered dental hygienist in alternative practice  
35 may hire other registered dental hygienists in alternative practice  
36 to assist in his or her practice.

37 (b) A registered dental hygienist in alternative practice may hire  
38 and supervise dental assistants performing intraoral retraction and  
39 suctioning.

1 1930. A registered dental hygienist in alternative practice shall  
2 provide to the committee documentation of an existing relationship  
3 with at least one dentist for referral, consultation, and emergency  
4 services.

5 1931. (a) (1) A dental hygienist in alternative practice may  
6 provide services to a patient without obtaining written verification  
7 that the patient has been examined by a dentist or physician and  
8 surgeon licensed to practice in this state.

9 (2) If the dental hygienist in alternative practice provides  
10 services to a patient 18 months or more after the first date that he  
11 or she provides services to a patient, he or she shall obtain written  
12 verification that the patient has been examined by a dentist or  
13 physician and surgeon licensed to practice in this state. The  
14 verification shall include a prescription for dental hygiene services  
15 as described in subdivision (b). Failure to comply with this  
16 paragraph or subdivision (b) shall be considered unprofessional  
17 conduct.

18 (b) A registered dental hygienist in alternative practice may  
19 provide dental hygiene services for a patient who presents to the  
20 registered dental hygienist in alternative practice a written  
21 prescription for dental hygiene services issued by a dentist or  
22 physician and surgeon licensed to practice in this state. The  
23 prescription shall be valid for a time period based on the dentist's  
24 or physician and surgeon's professional judgment, but not to exceed  
25 two years from the date it was issued.

26 (c) The committee shall seek to obtain an injunction against any  
27 registered dental hygienist in alternative practice who provides  
28 services pursuant to this section, if the committee has reasonable  
29 cause to believe that the services are being provided to a patient  
30 who has not received a prescription for those services from a dentist  
31 or physician and surgeon licensed to practice in this state.

32 1932. (a) The committee may, in its sole discretion, issue a  
33 probationary license to an applicant who has satisfied all  
34 requirements for licensure as a registered dental hygienist, a  
35 registered dental hygienist in alternative practice, or a registered  
36 dental hygienist in extended functions. The committee may require,  
37 as a term or condition of issuing the probationary license, that the  
38 applicant comply with certain additional requirements, including,  
39 but not limited to, the following:

- 1 (1) Successfully completing a professional competency
- 2 examination.
- 3 (2) Submitting to a medical or psychological evaluation.
- 4 (3) Submitting to continuing medical or psychological treatment.
- 5 (4) Abstaining from the use of alcohol or drugs.
- 6 (5) Submitting to random fluid testing for alcohol or controlled
- 7 substance abuse.
- 8 (6) Submitting to continuing participation in a
- 9 committee-approved rehabilitation program.
- 10 (7) Restricting the type or circumstances of practice.
- 11 (8) Submitting to continuing education and coursework.
- 12 (9) Complying with requirements regarding notifying the
- 13 committee of any change of employer or employment.
- 14 (10) Complying with probation monitoring.
- 15 (11) Complying with all laws and regulations governing the
- 16 practice of dental hygiene.
- 17 (12) Limiting his or her practice to a supervised, structured
- 18 environment in which his or her activities are supervised by a
- 19 specified person.
- 20 (b) The term of a probationary license is three years. During
- 21 the term of the license, the licensee may petition the committee
- 22 for a modification of a term or condition of the license or for the
- 23 issuance of a license that is not probationary.
- 24 (c) The proceedings under this section shall be conducted in
- 25 accordance with Chapter 5 (commencing with Section 11500) of
- 26 Part 1 of Division 3 of Title 2 of the Government Code, and the
- 27 committee shall have all the powers granted in that chapter.
- 28 1933. A licensee shall be issued a substitute license upon
- 29 request and payment of the required fee. The request shall be
- 30 accompanied by an affidavit or declaration containing satisfactory
- 31 evidence of the loss or destruction of the license certificate.
- 32 1934. A licensee who changes his or her address of record shall
- 33 notify the committee within 30 days of the change. A licensee who
- 34 changes his or her legal name shall provide the committee with
- 35 documentation of the change within 10 days.
- 36 1935. If not renewed, a license issued under the provisions of
- 37 this article, unless specifically excepted, expires at 12 midnight
- 38 on the last day of the month of the legal birth date of the licensee
- 39 during the second year of a two-year term. To renew an unexpired
- 40 license, the licensee shall, before the time at which the license

1 would otherwise expire, apply for renewal on a form prescribed  
2 by the committee and pay the renewal fee prescribed by this article.

3 1936. Except as otherwise provided in this article, an expired  
4 license may be renewed at any time within five years after its  
5 expiration by filing an application for renewal on a form prescribed  
6 by the committee and payment of all accrued renewal and  
7 delinquency fees. If the license is renewed after its expiration, the  
8 licensee, as a condition precedent to renewal, shall also pay the  
9 delinquency fee prescribed by this article. Renewal under this  
10 section shall be effective on the date on which the application is  
11 filed, on the date on which the renewal fee is paid, or on the date  
12 on which the delinquency fee, if any, is paid, whichever last occurs.  
13 If so renewed, the license shall continue in effect until the  
14 expiration date provided in Section 1935 that next occurs after the  
15 effective date of the renewal.

16 1936.1. (a) If the committee determines that the public health  
17 and safety would be served by requiring all holders of licenses  
18 under this article to continue their education after receiving a  
19 license, the committee may require, as a condition to license  
20 renewal, that licensees submit assurances satisfactory to the  
21 committee that they will, during the succeeding two-year period,  
22 inform themselves of the developments in the practice of dental  
23 hygiene occurring since the original issuance of their licenses by  
24 pursuing one or more courses of study satisfactory to the  
25 committee, or by other means deemed equivalent by the committee.  
26 The committee shall adopt, *amend, and revoke* regulations  
27 providing for the suspension of the licenses at the end of the  
28 two-year period until compliance with the assurances provided for  
29 in this section is accomplished.

30 (b) The committee may also, as a condition of license renewal,  
31 require licensees to successfully complete a portion of the required  
32 continuing education hours in specific areas adopted in regulations  
33 by the committee. The committee may prescribe this mandatory  
34 coursework within the general areas of patient care, health and  
35 safety, and law and ethics. The mandatory coursework prescribed  
36 by the committee shall not exceed seven and one-half hours per  
37 renewal period. Any mandatory coursework required by the  
38 committee shall be credited toward the continuing education  
39 requirements established by the committee pursuant to subdivision  
40 (a).

1 (c) The providers of courses referred to in this section shall be  
2 approved by the committee. Providers approved by the dental  
3 board shall be deemed approved by the committee.

4 1937. A suspended license is subject to expiration and shall  
5 be renewed as provided in this article. The renewal does not entitle  
6 the licensee, while the license remains suspended and until it is  
7 reinstated, to engage in the licensed activity or in any other activity  
8 or conduct in violation of the order or judgment by which the  
9 license was suspended.

10 1938. A revoked license is subject to expiration as provided  
11 in this article. A revoked license may not be renewed. If it is  
12 reinstated after its expiration, the licensee, as a condition precedent  
13 to its reinstatement, shall pay a reinstatement fee in an amount  
14 equal to the renewal fee in effect on the last regular renewal date  
15 before the date on which it is reinstated and the delinquency fee,  
16 if any, accrued at the time of its revocation.

17 1939. A license that is not renewed within five years after its  
18 expiration may not be renewed, restored, reinstated, or reissued.  
19 The holder of the license may apply for and obtain a new license  
20 upon meeting all of the requirements of a new applicant prescribed  
21 in this article.

22 1940. (a) A licensee who desires an inactive license shall  
23 submit an application to the committee on a form provided by the  
24 committee.

25 (b) In order to restore an inactive license to active status, the  
26 licensee shall submit an application to the committee on a form  
27 provided by the committee, accompanied by evidence that the  
28 licensee has completed the required number of hours of approved  
29 continuing education in compliance with this article within the last  
30 two years preceding the date of the application.

31 (c) The holder of an inactive license shall continue to pay to the  
32 committee the required biennial renewal fee.

33 (d) Within 30 days of receiving a request either to restore an  
34 inactive license or to inactivate a license, the committee shall  
35 inform the applicant in writing whether the application is complete  
36 and accepted for filing or is deficient and, if so, the specific  
37 information required to complete the application.

38 1941. It is the intent of this article that the committee grant or  
39 renew approval of only those educational programs for a registered  
40 dental hygienist, a registered dental hygienist in alternative practice,

1 and a registered dental hygienist in extended functions that  
2 continuously maintain a high quality standard of instruction.

3 1943. (a) The committee may deny an application to take an  
4 examination for licensure as a registered dental hygienist, a  
5 registered dental hygienist in alternative practice, or a registered  
6 dental hygienist in extended functions at any time prior to licensure  
7 for any of the following reasons:

8 (1) The applicant committed an act that is a ground for license  
9 suspension or revocation under this code or that is a ground for  
10 the denial of licensure under Section 480.

11 (2) The applicant committed or aided and abetted the  
12 commission of any act for which a license is required under this  
13 chapter.

14 (3) Another state or territory suspended or revoked the license  
15 that it had issued to the applicant on a ground that constitutes a  
16 basis in this state for the suspension or revocation of licensure  
17 under this article.

18 (b) The proceedings under this section shall be conducted in  
19 accordance with Chapter 5 (commencing with Section 11500) of  
20 Part 1 of Division 3 of Title 2 of the Government Code, and the  
21 committee shall have all of the powers granted therein.

22 1944. (a) The committee shall establish by resolution the  
23 amount of the fees that relate to the licensing of a registered dental  
24 hygienist, a registered dental hygienist in alternative practice, and  
25 a registered dental hygienist in extended functions. The fees are  
26 subject to the following limitations:

27 (1) The application fee for an original license shall not exceed  
28 twenty dollars (\$20).

29 (2) The fee for examination for licensure as a registered dental  
30 hygienist shall not exceed two hundred twenty dollars (\$220).

31 (3) For third- and fourth-year dental students, the fee for  
32 examination for licensure as a registered dental hygienist shall not  
33 exceed the actual cost of the examination.

34 (4) The fee for examination for licensure as a registered dental  
35 hygienist in extended functions shall not exceed two hundred fifty  
36 dollars (\$250).

37 (5) The fee for examination for licensure as a registered dental  
38 hygienist in alternative practice shall not exceed the actual cost of  
39 administering the examination.

1 (6) The biennial renewal fee shall not exceed eighty dollars  
2 (\$80).

3 (7) The delinquency fee shall not exceed twenty-five dollars  
4 (\$25) or one-half of the renewal fee, whichever is greater. Any  
5 delinquent license may be restored only upon payment of all fees,  
6 including the delinquency fee, and compliance with all other  
7 applicable requirements of this article.

8 (8) The fee for issuance of a duplicate license to replace one  
9 that is lost or destroyed, or in the event of a name change, shall  
10 not exceed twenty-five dollars (\$25) or one-half of the renewal  
11 fee, whichever is greater.

12 (9) The fee for each curriculum review and site evaluation for  
13 educational programs for dental hygienists that are not accredited  
14 by a committee-approved agency, the Council for Private  
15 Postsecondary and Vocational Education, or the Chancellor's office  
16 of the California Community Colleges shall not exceed one  
17 thousand four hundred dollars (\$1,400).

18 (10) The fee for each review of courses required for licensure  
19 that are not accredited by a committee-approved agency, the  
20 Council for Private Postsecondary and Vocational Education, or  
21 the Chancellor's office of the California Community Colleges shall  
22 not exceed three hundred dollars (\$300).

23 (11) The fee for a provider of continuing education shall not  
24 exceed five hundred dollars (\$500) per year.

25 (12) The amount of fees payable in connection with permits  
26 issued under Section 1962 is as follows:

27 (A) The initial permit fee is an amount equal to the renewal fee  
28 for the applicant's license to practice dental hygiene in effect on  
29 the last regular renewal date before the date on which the permit  
30 is issued.

31 (B) If the permit will expire less than one year after its issuance,  
32 then the initial permit fee is an amount equal to 50 percent of the  
33 renewal fee in effect on the last regular renewal date before the  
34 date on which the permit is issued.

35 (b) The renewal and delinquency fees shall be fixed by the  
36 committee at not more than the current amount of the renewal fee  
37 for a license to practice under this article nor less than five dollars  
38 (\$5).

39 (c) Fees fixed by the committee pursuant to this section shall  
40 not be subject to the approval of the Office of Administrative Law.



1 (d) Fees collected pursuant to this section shall be collected by  
2 the committee and deposited into the State Dental Hygiene Fund,  
3 which is hereby created. All money in this fund shall, upon  
4 appropriation by the Legislature in the annual Budget Act, be used  
5 to implement the provisions of this article.

6 (e) No fees or charges other than those listed in this section shall  
7 be levied by the committee in connection with the licensure of  
8 registered dental hygienists, registered dental hygienists in  
9 alternative practice, or registered dental hygienists in extended  
10 functions.

11 1945. On January 1, 2008, a percentage of the funds in the  
12 State Dental Auxiliary Fund shall be transferred to the State Dental  
13 Hygiene Fund based on the number of registered dental hygienists,  
14 registered dental hygienists in alternative practice, and registered  
15 dental hygienists in extended functions licensed on December 31,  
16 2007, compared to all dental auxiliaries licensed by the Committee  
17 on Dental Auxiliaries on December 31, 2007. The remainder of  
18 the funds in the State Dental Auxiliary Fund shall be transferred  
19 to the State ~~Dentistry~~ Dental Assistant Fund.

20 1947. A license issued under this article and a license issued  
21 under this chapter to a registered dental hygienist, to a registered  
22 dental hygienist in alternative practice, or to a registered dental  
23 hygienist in extended functions may be revoked or suspended by  
24 the committee for any reason specified in this article for the  
25 suspension or revocation of a license to practice dental hygiene.

26 1949. A licensee may have his or her license revoked or  
27 suspended, or may be reprimanded or placed on probation by the  
28 committee for unprofessional conduct, incompetence, gross  
29 negligence, repeated acts of negligence in his or her profession,  
30 receiving a license by mistake, or for any other cause applicable  
31 to the licentiate provided in this article. The proceedings under  
32 this article shall be conducted in accordance with Chapter 5  
33 (commencing with Section 11500) of Part 1 of Division 3 of Title  
34 2 of the Government Code, and the committee shall have all the  
35 powers granted therein.

36 1950. (a) A licensee may have his or her license revoked or  
37 suspended, or may be reprimanded or placed on probation by the  
38 committee, for conviction of a crime substantially related to the  
39 licensee's qualifications, functions, or duties. The record of  
40 conviction or a copy certified by the clerk of the court or by the

1 judge in whose court the conviction is had, shall be conclusive  
2 evidence of conviction.

3 (b) The committee shall undertake proceedings under this section  
4 upon the receipt of a certified copy of the record of conviction. A  
5 plea or verdict of guilty or a conviction following a plea of nolo  
6 contendere made to a charge of a felony or of any misdemeanor  
7 substantially related to the licensee's qualifications, functions, or  
8 duties is deemed to be a conviction within the meaning of this  
9 section.

10 (c) The committee may order a license suspended or revoked,  
11 or may decline to issue a license when any of the following occur:

12 (1) The time for appeal has elapsed.

13 (2) The judgment of conviction has been affirmed on appeal.

14 (3) An order granting probation is made suspending the  
15 imposition of sentence, irrespective of a subsequent order under  
16 any provision of the Penal Code, including, but not limited to,  
17 Section 1203.4 of the Penal Code, allowing a person to withdraw  
18 his or her plea of guilty and to enter a plea of not guilty, or setting  
19 aside the verdict of guilty, or dismissing the accusation, information  
20 or indictment.

21 1950.5. Unprofessional conduct by a person licensed under  
22 this article is defined as, but is not limited to, any one of the  
23 following:

24 (a) The obtaining of any fee by fraud or misrepresentation.

25 (b) The aiding or abetting of any unlicensed person to practice  
26 dentistry.

27 (c) The aiding or abetting of a licensed person to practice  
28 dentistry unlawfully.

29 (d) The committing of any act or acts of sexual abuse,  
30 misconduct, or relations with a patient that are substantially related  
31 to the practice of dental hygiene.

32 (e) The use of any false, assumed, or fictitious name, either as  
33 an individual, firm, corporation, or otherwise, or any name other  
34 than the name under which he or she is licensed to practice, in  
35 advertising or in any other manner indicating that he or she is  
36 practicing or will practice dentistry, except that name as is specified  
37 in a valid permit issued pursuant to Section 1701.5.

38 (f) The practice of accepting or receiving any commission or  
39 the rebating in any form or manner of fees for professional services,

1 radiograms, prescriptions, or other services or articles supplied to  
2 patients.

3 (g) The making use by the licensee or any agent of the licensee  
4 of any advertising statements of a character tending to deceive or  
5 mislead the public.

6 (h) The advertising of either professional superiority or the  
7 advertising of performance of professional services in a superior  
8 manner. This subdivision shall not prohibit advertising permitted  
9 by subdivision (h) of Section 651.

10 (i) The employing or the making use of solicitors.

11 (j) Advertising in violation of Section 651.

12 (k) Advertising to guarantee any dental hygiene service, or to  
13 perform any dental hygiene procedure painlessly. This subdivision  
14 shall not prohibit advertising permitted by Section 651.

15 (l) The violation of any of the provisions of this division.

16 (m) The permitting of any person to operate dental radiographic  
17 equipment who has not met the requirements of Section 1656.

18 (n) The clearly excessive administering of drugs or treatment,  
19 or the clearly excessive use of treatment procedures, or the clearly  
20 excessive use of treatment facilities, as determined by the  
21 customary practice and standards of the dental hygiene profession.

22 Any person who violates this subdivision is guilty of a  
23 misdemeanor and shall be punished by a fine of not less than one  
24 hundred dollars (\$100) or more than six hundred dollars (\$600),  
25 or by imprisonment for a term of not less than 60 days or more  
26 than 180 days, or by both a fine and imprisonment.

27 (o) The use of threats or harassment against any patient or  
28 licensee for providing evidence in any possible or actual  
29 disciplinary action, or other legal action; or the discharge of an  
30 employee primarily based on the employee's attempt to comply  
31 with the provisions of this chapter or to aid in the compliance.

32 (p) Suspension or revocation of a license issued, or discipline  
33 imposed, by another state or territory on grounds that would be  
34 the basis of discipline in this state.

35 (q) The alteration of a patient's record with intent to deceive.

36 (r) Unsanitary or unsafe office conditions, as determined by the  
37 customary practice and standards of the dental hygiene profession.

38 (s) The abandonment of the patient by the licensee, without  
39 written notice to the patient that treatment is to be discontinued  
40 and before the patient has ample opportunity to secure the services

1 of another registered dental hygienist and provided the health of  
2 the patient is not jeopardized.

3 (t) The willful misrepresentation of facts relating to a  
4 disciplinary action to the patients of a disciplined licensee.

5 (u) Use of fraud in the procurement of any license issued  
6 pursuant to this article.

7 (v) Any action or conduct that would have warranted the denial  
8 of the license.

9 (w) The aiding or abetting of a registered dental hygienist or  
10 registered dental hygienist in alternative practice to practice dental  
11 hygiene in a negligent or incompetent manner.

12 (x) The failure to report to the committee in writing within seven  
13 days any of the following: (1) the death of his or her patient during  
14 the performance of any dental hygiene procedure; (2) the discovery  
15 of the death of a patient whose death is related to a dental hygiene  
16 procedure performed by him or her; or (3) except for a scheduled  
17 hospitalization, the removal to a hospital or emergency center for  
18 medical treatment for a period exceeding 24 hours of any patient  
19 as a result of dental or dental hygiene treatment. Upon receipt of  
20 a report pursuant to this subdivision, the committee may conduct  
21 an inspection of the dental hygiene practice office if the committee  
22 finds that it is necessary.

23 (y) A dental hygienist shall report to the committee all deaths  
24 occurring in his or her practice with a copy sent to the dental board  
25 if the death occurred while working as an employee in a dental  
26 office. A dentist shall report to the dental board all deaths occurring  
27 in his or her practice with a copy sent to the committee if the death  
28 was the result of treatment by a registered dental hygienist.

29 1951. The committee may discipline a licensee by placing him  
30 or her on probation under various terms and conditions that may  
31 include, but are not limited to, the following:

32 (a) Requiring the licensee to obtain additional training or pass  
33 an examination upon completion of training, or both. The  
34 examination may be a written or oral examination, or both, and  
35 may be a practical or clinical examination, or both, at the option  
36 of the committee.

37 (b) Requiring the licensee to submit to a complete diagnostic  
38 examination by one or more physicians appointed by the  
39 committee, if warranted by the physical or mental condition of the  
40 licensee. If the committee requires the licensee to submit to an

1 examination, the committee shall receive and consider any other  
2 report of a complete diagnostic examination given by one or more  
3 physicians of the licensee's choice.

4 (c) Restricting or limiting the extent, scope, or type of practice  
5 of the licensee.

6 (d) Requiring restitution of fees to the licensee's patients or  
7 payers of services, unless restitution has already been made.

8 (e) Providing the option of alternative community service in  
9 lieu of all or part of a period of suspension in cases other than  
10 violations relating to quality of care.

11 1952. It is unprofessional conduct for a person licensed under  
12 this article to do any of the following:

13 (a) Obtain or possess in violation of law, or except as directed  
14 by a licensed physician and surgeon, dentist, or podiatrist, a  
15 controlled substance, as defined in Division 10 (commencing with  
16 Section 11000) of the Health and Safety Code, or any dangerous  
17 drug as defined in Article 8 (commencing with Section 4211) of  
18 Chapter 9.

19 (b) Use a controlled substance, as defined in Division 10  
20 (commencing with Section 11000) of the Health and Safety Code,  
21 or a dangerous drug as defined in Article 8 (commencing with  
22 Section 4211) of Chapter 9, or alcoholic beverages or other  
23 intoxicating substances, to an extent or in a manner dangerous or  
24 injurious to himself or herself, to any person, or the public to the  
25 extent that the use impairs the licensee's ability to conduct with  
26 safety to the public the practice authorized by his or her license.

27 (c) Be convicted of a charge of violating any federal statute or  
28 rules, or any statute or rule of this state, regulating controlled  
29 substances, as defined in Division 10 (commencing with Section  
30 11000) of the Health and Safety Code, or any dangerous drug, as  
31 defined in Article 8 (commencing with Section 4211) of Chapter  
32 9, or be convicted of more than one misdemeanor, or any felony,  
33 involving the use or consumption of alcohol or drugs, if the  
34 conviction is substantially related to the practice authorized by his  
35 or her license. The record of conviction or a copy certified by the  
36 clerk of the court or by the judge in whose court the conviction is  
37 had, shall be conclusive evidence of a violation of this section. A  
38 plea or verdict of guilty or a conviction following a plea of nolo  
39 contendere is deemed to be a conviction within the meaning of  
40 this section; the committee may order the license suspended or

1 revoked, or may decline to issue a license, when the time for appeal  
2 has elapsed or the judgment of conviction has been affirmed on  
3 appeal, or when an order granting probation is made suspending  
4 imposition of sentence, irrespective of a subsequent order under  
5 any provision of the Penal Code, including, but not limited to,  
6 Section 1203.4 of the Penal Code, allowing a person to withdraw  
7 his or her plea of guilty and to enter a plea of not guilty, or setting  
8 aside the verdict of guilty, or dismissing the accusation,  
9 information, or indictment.

10 1953. (a) A registered dental hygienist, registered dental  
11 hygienist in alternative practice, or registered dental hygienist in  
12 extended functions who performs a service on a patient in a dental  
13 office shall identify himself or herself in the patient record by  
14 signing his or her name or identification number and initials next  
15 to the service performed, and shall date those treatment entries in  
16 the record.

17 (b) A repeated violation of this section constitutes unprofessional  
18 conduct.

19 1954. (a) It is unprofessional conduct for a person licensed  
20 under this article to perform, or hold himself or herself out as able  
21 to perform, professional services beyond the scope of his or her  
22 license and field of competence, as established by his or her  
23 education, experience, and training. This includes, but is not limited  
24 to, using an instrument or device in a manner that is not in  
25 accordance with the customary standards and practices of the dental  
26 hygiene profession.

27 (b) This section shall not apply to research conducted by  
28 accredited dental schools or dental hygiene schools, or to research  
29 conducted pursuant to an investigational device exemption issued  
30 by the United States Food and Drug Administration.

31 1955. (a) (1) A licensee who fails or refuses to comply with  
32 a request for a patient's dental hygiene records that is accompanied  
33 by that patient's written authorization for release of the records to  
34 the committee, within 15 days of receiving the request and  
35 authorization, shall pay to the committee a civil penalty of two  
36 hundred fifty dollars (\$250) per day for each day that the  
37 documents have not been produced after the 15th day, up to a  
38 maximum of five thousand dollars (\$5,000) unless the licensee is  
39 unable to provide the documents within this time period for good  
40 cause.

1 (2) A health care facility shall comply with a request for the  
2 dental hygiene records of a patient that is accompanied by that  
3 patient's written authorization for release of records to the  
4 committee together with a notice citing this section and describing  
5 the penalties for failure to comply with this section. Failure to  
6 provide the authorizing patient's dental hygiene records to the  
7 committee within 30 days of receiving this request, authorization,  
8 and notice shall subject the health care facility to a civil penalty,  
9 payable to the committee, of up to two hundred fifty dollars (\$250)  
10 per day for each day that the documents have not been produced  
11 after the 30th day, up to a maximum of five thousand dollars  
12 (\$5,000), unless the health care facility is unable to provide the  
13 documents within this time period for good cause. This paragraph  
14 shall not require health care facilities to assist the committee in  
15 obtaining the patient's authorization. The committee shall pay the  
16 reasonable cost of copying the dental hygiene records.

17 (b) (1) A licensee who fails or refuses to comply with a court  
18 order issued in the enforcement of a subpoena mandating the  
19 release of records to the committee shall pay to the committee a  
20 civil penalty of one thousand dollars (\$1,000) per day for each day  
21 that the documents have not been produced after the date by which  
22 the court order requires the documents to be produced, unless it is  
23 determined that the order is unlawful or invalid. Any statute of  
24 limitations applicable to the filing of an accusation by the  
25 committee shall be tolled during the period the licensee is out of  
26 compliance with the court order and during any related appeals.

27 (2) A licensee who fails or refuses to comply with a court order  
28 issued in the enforcement of a subpoena mandating the release of  
29 records to the committee is guilty of a misdemeanor punishable  
30 by a fine payable to the committee not to exceed five thousand  
31 dollars (\$5,000). The fine shall be added to the licensee's renewal  
32 fee if it is not paid by the next succeeding renewal date. Any statute  
33 of limitations applicable to the filing of an accusation by the  
34 committee shall be tolled during the period the licensee is out of  
35 compliance with the court order and during any related appeals.

36 (3) A health care facility that fails or refuses to comply with a  
37 court order issued in the enforcement of a subpoena mandating  
38 the release of patient records to the committee, that is accompanied  
39 by a notice citing this section and describing the penalties for  
40 failure to comply with this section, shall pay to the committee a

1 civil penalty of up to one thousand dollars (\$1,000) per day for  
2 each day that the documents have not been produced, up to ten  
3 thousand dollars (\$10,000), after the date by which the court order  
4 requires the documents to be produced, unless it is determined that  
5 the order is unlawful or invalid. Any statute of limitations  
6 applicable to the filing of an accusation by the committee against  
7 a licensee shall be tolled during the period the health care facility  
8 is out of compliance with the court order and during any related  
9 appeals.

10 (4) A health care facility that fails or refuses to comply with a  
11 court order, issued in the enforcement of a subpoena, mandating  
12 the release of records to the committee is guilty of a misdemeanor  
13 punishable by a fine payable to the committee not to exceed five  
14 thousand dollars (\$5,000). Any statute of limitations applicable to  
15 the filing of an accusation by the committee against a licensee  
16 shall be tolled during the period the health care facility is out of  
17 compliance with the court order and during any related appeals.

18 (c) Multiple acts by a licensee in violation of subdivision (b)  
19 shall be punishable by a fine not to exceed five thousand dollars  
20 (\$5,000) or by imprisonment in a county jail not exceeding six  
21 months, or by both that fine and imprisonment. Multiple acts by  
22 a health care facility in violation of subdivision (b) shall be  
23 punishable by a fine not to exceed five thousand dollars (\$5,000)  
24 and shall be reported to the State Department of Public Health and  
25 shall be considered as grounds for disciplinary action with respect  
26 to licensure, including suspension or revocation of the license or  
27 certificate.

28 (d) A failure or refusal to comply with a court order issued in  
29 the enforcement of a subpoena mandating the release of records  
30 to the committee constitutes unprofessional conduct and is grounds  
31 for suspension or revocation of his or her license.

32 (e) Imposition of the civil penalties authorized by this section  
33 shall be in accordance with the Administrative Procedure Act  
34 (Chapter 5 (commencing with Section 11500) of Division 3 of  
35 Title 2 of the Government Code).

36 (f) For the purposes of this section, a “health care facility” means  
37 a clinic or health care facility licensed or exempt from licensure  
38 pursuant to Division 2 (commencing with Section 1200) of the  
39 Health and Safety Code.



1     1956. It is unprofessional conduct for a person licensed under  
2 this article to require, either directly or through an office policy,  
3 or knowingly permit the delivery of dental hygiene care that  
4 discourages necessary treatment, or permits clearly excessive,  
5 incompetent, unnecessary, or grossly negligent treatment, or  
6 repeated negligent acts, as determined by the standard of practice  
7 in the community.

8     1957. (a) A person whose license has been revoked or  
9 suspended, who has been placed on probation, or whose license  
10 was surrendered pursuant to a stipulated settlement as a condition  
11 to avoid a disciplinary administrative hearing, may petition the  
12 committee for reinstatement or modification of penalty, including  
13 modification or termination of probation, after a period of not less  
14 than the following minimum periods have elapsed from the  
15 effective date of the decision ordering disciplinary action:

16     (1) At least three years for reinstatement of a license revoked  
17 for unprofessional conduct or surrendered pursuant to a stipulated  
18 settlement as a condition to avoid an administrative disciplinary  
19 hearing.

20     (2) At least two years for early termination, or modification of  
21 a condition, of a probation of three years or more.

22     (3) At least one year for modification of a condition, or  
23 reinstatement of a license revoked for mental or physical illness,  
24 or termination, or modification of a condition, of a probation of  
25 less than three years.

26     (b) The petition shall state any fact required by the committee.

27     (c) The petition may be heard by the committee, or the  
28 committee may assign the petition to an administrative law judge  
29 designated in Section 11371 of the Government Code.

30     (d) In considering reinstatement or modification or penalty, the  
31 committee or the administrative law judge hearing the petition  
32 may consider the following:

33     (1) All activities of the petitioner since the disciplinary action  
34 was taken.

35     (2) The offense for which the petitioner was disciplined.

36     (3) The petitioner's activities during the time the license,  
37 certificate, or permit was in good standing.

38     (4) The petitioner's rehabilitative efforts, general reputation for  
39 truth, and professional ability.

1 (e) The hearing may be continued from time to time as the  
2 committee or the administrative law judge as designated in Section  
3 11371 of the Government Code finds necessary.

4 (f) The committee or the administrative law judge may impose  
5 necessary terms and conditions on the licensee in reinstating a  
6 license, certificate, or permit or modifying a penalty.

7 (g) A petition shall not be considered while the petitioner is  
8 under sentence for any criminal offense, including any period  
9 during which the petitioner is on court-imposed probation or parole.

10 (h) A petition shall not be considered while there is an  
11 accusation or petition to revoke probation pending against the  
12 person.

13 (i) The committee may deny without a hearing or argument any  
14 petition filed pursuant to this section within a period of two years  
15 from the effective date of the prior decision following a hearing  
16 under this section. Nothing in this section shall be deemed to alter  
17 Sections 822 and 823.

18 1958. A person, company, or association is guilty of a  
19 misdemeanor, and upon conviction, shall be punished by  
20 imprisonment in a county jail not less than 10 days nor more than  
21 one year, or by a fine of not less than one hundred dollars  
22 (\$100) nor more than one thousand five hundred dollars (\$1,500),  
23 or by both fine and imprisonment, who does any of the following:

24 (a) Assumes the title of “registered dental hygienist,” “registered  
25 dental hygienist in alternative practice,” or “registered dental  
26 hygienist in extended functions” or appends the letters “R.D.H.,”  
27 “R.D.H.A.P.,” or “R.D.H.E.F.” to his or her name without having  
28 had the right to assume the title conferred upon him or her through  
29 licensure.

30 (b) Assumes any title, or appends any letters to his or her name,  
31 with the intent to represent falsely that he or she has received a  
32 dental hygiene degree or a license under this article.

33 (c) Engages in the practice of dental hygiene without causing  
34 to be displayed in a conspicuous place in his or her office his or  
35 her license under this article to practice dental hygiene.

36 (d) Within 10 days after demand is made by the executive officer  
37 of the committee, fails to furnish to the committee the name and  
38 address of all persons practicing or assisting in the practice of  
39 dental hygiene in the office of the person, company, or association,  
40 at any time within 60 days prior to the demand, together with a

1 sworn statement showing under and by what license or authority  
2 this person, company, or association and any employees are or  
3 have been practicing or assisting in the practice of dental hygiene.  
4 This sworn statement shall not be used in any prosecution under  
5 this section.

6 (e) Is under the influence of alcohol or a controlled substance  
7 while engaged in the practice of dental hygiene in actual attendance  
8 on patients to an extent that impairs his or her ability to conduct  
9 the practice of dental hygiene with safety to patients and the public.

10 1959. A person who holds a valid, unrevoked, and unsuspended  
11 certificate as a registered dental hygienist, registered dental  
12 hygienist in alternative practice, or registered dental hygienist in  
13 extended functions under this article may append the letters  
14 “R.D.H.,” “R.D.H.A.P.,” or “R.D.H.E.F.” to his or her name.

15 1960. For the first offense, a person is guilty of a misdemeanor  
16 and shall be punishable by a fine of not less than two hundred  
17 dollars (\$200) nor more than three thousand dollars (\$3,000), or  
18 by imprisonment in a county jail for not to exceed six months, or  
19 by both that fine and imprisonment, and for the second or a  
20 subsequent offense is guilty of a felony and upon conviction thereof  
21 shall be punished by a fine of not less than two thousand dollars  
22 (\$2,000) nor more than six thousand dollars (\$6,000), or by  
23 imprisonment in the state prison, or by both that fine and  
24 imprisonment, who does any of the following:

25 (a) Sells or barter or offers to sell or barter a dental hygiene  
26 degree or transcript or a license issued under, or purporting to be  
27 issued under, laws regulating licensure of dental hygienists.

28 (b) Purchases or procures by barter a diploma, license, or  
29 transcript with intent that it shall be used as evidence of the holder’s  
30 qualification to practice dental hygiene, or in fraud of the laws  
31 regulating the practice of dental hygiene.

32 (c) With fraudulent intent, makes, attempts to make, counterfeits,  
33 or materially alters a diploma, certificate, or transcript.

34 (d) Uses, or attempts or causes to be used, any diploma,  
35 certificate, or transcript that has been purchased, fraudulently  
36 issued, counterfeited, or materially altered or in order to procure  
37 licensure as a registered dental hygienist, registered dental hygienist  
38 in alternative practice, or registered dental hygienist in extended  
39 functions.

1 (e) In an affidavit required of an applicant for an examination  
2 or license under this article, willfully makes a false statement in a  
3 material regard.

4 (f) Practices dental hygiene or offers to practice dental hygiene,  
5 as defined in this article, either without a license, or when his or  
6 her license has been revoked or suspended.

7 (g) Under any false, assumed or fictitious name, either as an  
8 individual, firm, corporation or otherwise, or any name other than  
9 the name under which he or she is licensed, practices, advertises,  
10 or in any other manner indicates that he or she practices or will  
11 practice dental hygiene, except a name specified in a valid permit  
12 issued pursuant to Section 1962.

13 1961. A person who willfully, under circumstances that cause  
14 risk of bodily harm, serious physical or mental illness, or death,  
15 practices, attempts to practice, advertises, or holds himself or  
16 herself out as practicing dental hygiene without having at the time  
17 of so doing a valid, unrevoked, and unsuspended license as  
18 provided in this chapter, is guilty of a crime, punishable by  
19 imprisonment in a county jail for up to one year. The remedy  
20 provided in this section shall not preclude any other remedy  
21 provided by law.

22 1962. (a) An association, partnership, corporation, or group  
23 of three or more registered dental hygienists in alternative practice  
24 engaging in practice under a name that would otherwise be in  
25 violation of Section 1960 may practice under that name if the  
26 association, partnership, corporation, or group holds an unexpired,  
27 unsuspended, and unrevoked permit issued by the committee under  
28 this section.

29 (b) An individual registered dental hygienist in alternative  
30 practice or a pair of registered dental hygienists in alternative  
31 practice who practice dental hygiene under a name that would  
32 otherwise violate Section 1960 may practice under that name if  
33 the licensees hold a valid permit issued by the committee under  
34 this section. The committee shall issue a written permit authorizing  
35 the holder to use a name specified in the permit in connection with  
36 the holder's practice if the committee finds all of the following:

37 (1) The applicant or applicants are duly licensed registered  
38 dental hygienists in alternative practice.

39 (2) The place where the applicant or applicants practice is owned  
40 or leased by the applicant or applicants, and the practice conducted

1 at the place is wholly owned and entirely controlled by the  
2 applicant or applicants and is an approved area or practice setting  
3 pursuant to Section 1775.

4 (3) The name under which the applicant or applicants propose  
5 to operate contains at least one of the following designations:  
6 “dental hygiene group,” “dental hygiene practice,” or “dental  
7 hygiene office,” contains the family name of one or more of the  
8 past, present, or prospective associates, partners, shareholders, or  
9 members of the group, and is in conformity with Section 651 and  
10 not in violation of subdivisions (i) and (l) of Section 1680.

11 (4) All licensed persons practicing at the location designated in  
12 the application hold valid licenses and no charges of unprofessional  
13 conduct are pending against any person practicing at that location.

14 (c) A permit issued under this section shall expire and become  
15 invalid unless renewed in the manner provided for in this article  
16 for the renewal of certificates issued under this article.

17 (d) A permit issued under this section may be revoked or  
18 suspended if the committee finds that any requirement for original  
19 issuance of a permit is no longer being fulfilled by the  
20 permit holder. Proceedings for revocation or suspension shall be  
21 governed by the Administrative Procedure Act.

22 (e) If charges of unprofessional conduct are filed against the  
23 holder of a permit issued under this section, or a member of an  
24 association, partnership, group, or corporation to whom a permit  
25 has been issued under this section, proceedings shall not be  
26 commenced for revocation or suspension of the permit until a final  
27 determination of the charges of unprofessional conduct, unless the  
28 charges have resulted in revocation or suspension of a license.

29 1963. The committee may prefer a complaint for violation of  
30 any part of this article before any court of competent jurisdiction  
31 and may, by its officers, counsel and agents, assist in presenting  
32 the law or facts at the trial. The district attorney of each county in  
33 this state shall prosecute all violations of this article in their  
34 respective counties in which the violations occur.

35 1964. In addition to the other proceedings provided for in this  
36 article, on application of the committee, the superior court of any  
37 county shall issue an injunction to restrain an unlicensed person  
38 from conducting the practice of dental hygiene, as defined in this  
39 article.

1     1965. If a person has engaged in or is about to engage in an  
2 act that constitutes an offense against this chapter, the superior  
3 court of any county, on application of 10 or more persons holding  
4 licenses to practice dental hygiene issued under this article, may  
5 issue an injunction or other appropriate order restraining that  
6 conduct. Proceedings under this section shall be governed by  
7 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of  
8 the Code of Civil Procedure.

9     1966. (a) It is the intent of the Legislature that the committee  
10 seek ways and means to identify and rehabilitate licensees whose  
11 competency may be impaired due to abuse of dangerous drugs or  
12 alcohol, so that licensees so afflicted may be treated and returned  
13 to the practice of dental hygiene in a manner that will not endanger  
14 the public health and safety. It is also the intent of the Legislature  
15 that the committee establish a diversion program as a voluntary  
16 alternative approach to traditional disciplinary actions.

17     (b) One or more diversion evaluation committees shall be  
18 established by the committee. The committee shall establish criteria  
19 for the selection of each diversion evaluation committee. Each  
20 member of a diversion evaluation committee shall receive per diem  
21 and expenses as provided in Section 103.

22     1966.1. (a) The committee shall establish criteria for the  
23 acceptance, denial, or termination of licensees in a diversion  
24 program. Unless ordered by the committee as a condition of a  
25 licensee's disciplinary probation, only those licensees who have  
26 voluntarily requested diversion treatment and supervision by a  
27 diversion evaluation committee shall participate in a diversion  
28 program.

29     (b) A licensee who is not the subject of a current investigation  
30 may self-refer to the diversion program on a confidential basis,  
31 except as provided in subdivision (f).

32     (c) A licensee under current investigation by the committee may  
33 also request entry into a diversion program by contacting the  
34 committee. The committee may refer the licensee requesting  
35 participation in the program to a diversion evaluation committee  
36 for evaluation of eligibility. Prior to authorizing a licensee to enter  
37 into the diversion program, the committee may require the licensee,  
38 while under current investigation for any violations of this article  
39 or other violations, to execute a statement of understanding that  
40 states that the licensee understands that his or her violations of this

1 article or other statutes, that would otherwise be the basis for  
2 discipline, may still be investigated and the subject of disciplinary  
3 action.

4 (d) If the reasons for a current investigation of a licensee are  
5 based primarily on the self-administration of any controlled  
6 substance or dangerous drugs or alcohol under Section 1681, or  
7 the illegal possession, prescription, or nonviolent procurement of  
8 any controlled substance or dangerous drugs for self-administration  
9 that does not involve actual, direct harm to the public, the  
10 committee shall close the investigation without further action if  
11 the licensee is accepted into the committee's diversion program  
12 and successfully completes the requirements of the program. If  
13 the licensee withdraws or is terminated from the program by a  
14 diversion evaluation committee, the investigation shall be reopened  
15 and disciplinary action imposed, if warranted, as determined by  
16 the committee.

17 (e) Neither acceptance nor participation in the diversion program  
18 shall preclude the committee from investigating or continuing to  
19 investigate, or taking disciplinary action or continuing to take  
20 disciplinary action against, any licensee for any unprofessional  
21 conduct committed before, during, or after participation in the  
22 diversion program.

23 (f) All licensees shall sign an agreement of understanding that  
24 the withdrawal or termination from the diversion program at a time  
25 when a diversion evaluation committee determines the licensee  
26 presents a threat to the public's health and safety shall result in the  
27 utilization by the committee of diversion treatment records in  
28 disciplinary or criminal proceedings.

29 (g) Any licensee terminated from the diversion program for  
30 failure to comply with program requirements is subject to  
31 disciplinary action by the committee for acts committed before,  
32 during, and after participation in the diversion program. A licensee  
33 who has been under investigation by the committee and has been  
34 terminated from the diversion program by a diversion evaluation  
35 committee shall be reported by the diversion evaluation committee  
36 to the committee.

37 1966.2. Each diversion evaluation committee shall have the  
38 following duties and responsibilities:

39 (a) To evaluate those licensees who request to participate in the  
40 diversion program according to the guidelines prescribed by the

1 committee and to consider the recommendations of any licensees  
2 designated by the committee to serve as consultants on the  
3 admission of the licensee to the diversion program.

4 (b) To review and designate those treatment facilities to which  
5 licensees in a diversion program may be referred.

6 (c) To receive and review information concerning a licensee  
7 participating in the program.

8 (d) To consider in the case of each licensee participating in a  
9 program whether he or she may safely continue or resume the  
10 practice of dental hygiene.

11 (e) To perform other related duties as the committee may by  
12 regulation require.

13 1966.3. Notwithstanding the provisions of Article 9  
14 (commencing with Section 11120) of Chapter 1 of Part 1 of  
15 Division 3 of Title 2 of the Government Code, relating to public  
16 meetings, a diversion evaluation committee may convene in closed  
17 session to consider reports pertaining to any licensee requesting  
18 or participating in a diversion program. A diversion evaluation  
19 committee shall only convene in closed session to the extent that  
20 it is necessary to protect the privacy of a licensee.

21 1966.4. Each licensee who requests participation in a diversion  
22 program shall agree to cooperate with the treatment program  
23 designed by a diversion evaluation committee and to bear all costs  
24 related to the program, unless the cost is waived by the committee.  
25 Any failure to comply with the provisions of a treatment program  
26 may result in termination of the licensee's participation in a  
27 program.

28 1966.5. (a) After a diversion evaluation committee, in its  
29 discretion, has determined that a licensee has been rehabilitated  
30 and the diversion program is completed, the diversion evaluation  
31 committee shall purge and destroy all records pertaining to the  
32 licensee's participation in the diversion program.

33 (b) Except as authorized by subdivision (f) of Section 1966.1,  
34 all committee and diversion evaluation committee records and  
35 records of proceedings pertaining to the treatment of a licensee in  
36 a program shall be kept confidential and are not subject to  
37 discovery or subpoena.

38 1966.6. The committee shall provide for the representation of  
39 any person making reports to a diversion evaluation committee or  
40 the committee under this article in any action for defamation for



1 reports or information given to the diversion evaluation committee  
2 or the committee regarding a licensee's participation in the  
3 diversion program.

4 ~~SEC. 40.~~

5 *SEC. 41.* Section 4999.2 of the Business and Professions Code  
6 is amended to read:

7 4999.2. (a) In order to obtain and maintain a registration,  
8 in-state or out-of-state telephone medical advice services shall  
9 comply with the requirements established by the department. Those  
10 requirements shall include, but shall not be limited to, all of the  
11 following:

12 (1) (A) Ensuring that all staff who provide medical advice  
13 services are appropriately licensed, certified, or registered as a  
14 physician and surgeon pursuant to Chapter 5 (commencing with  
15 Section 2000) or the Osteopathic Initiative Act, as a dentist or  
16 dental hygienist pursuant to Chapter 4 (commencing with Section  
17 1600), as a psychologist pursuant to Chapter 6.6 (commencing  
18 with Section 2900), as a marriage and family therapist pursuant  
19 to Chapter 13 (commencing with Section 4980), as a licensed  
20 clinical social worker pursuant to Chapter 14 (commencing with  
21 Section 4990), as an optometrist pursuant to Chapter 7  
22 (commencing with Section 3000), or as a chiropractor pursuant to  
23 the Chiropractic Initiative Act, and operating consistent with the  
24 laws governing their respective scopes of practice in the state  
25 within which they provide telephone medical advice services,  
26 except as provided in paragraph (2).

27 (B) Ensuring that all staff who provide telephone medical advice  
28 services from an out-of-state location are health care professionals,  
29 as identified in subparagraph (A), who are licensed, registered, or  
30 certified in the state within which they are providing the telephone  
31 medical advice services and are operating consistent with the laws  
32 governing their respective scopes of practice.

33 (2) Ensuring that all registered nurses providing telephone  
34 medical advice services to both in-state and out-of-state business  
35 entities registered pursuant to this chapter are licensed pursuant  
36 to Chapter 6 (commencing with Section 2700).

37 (3) Ensuring that the telephone medical advice provided is  
38 consistent with good professional practice.

1 (4) Maintaining records of telephone medical advice services,  
2 including records of complaints, provided to patients in California  
3 for a period of at least five years.

4 (5) Ensuring that no staff member uses a title or designation  
5 when speaking to an enrollee or subscriber that may cause a  
6 reasonable person to believe that the staff member is a licensed,  
7 certified, or registered professional described in subparagraph (A)  
8 of paragraph (1), unless the staff member is a licensed, certified,  
9 or registered professional.

10 (6) Complying with all directions and requests for information  
11 made by the department.

12 (b) To the extent permitted by Article VII of the California  
13 Constitution, the department may contract with a private nonprofit  
14 accrediting agency to evaluate the qualifications of applicants for  
15 registration pursuant to this chapter and to make recommendations  
16 to the department.

17 ~~SEC. 41.~~

18 *SEC. 42.* Section 4999.7 of the Business and Professions Code  
19 is amended to read:

20 4999.7. (a) Nothing in this section shall limit, preclude, or  
21 otherwise interfere with the practices of other persons licensed or  
22 otherwise authorized to practice, under any other provision of this  
23 division, telephone medical advice services consistent with the  
24 laws governing their respective scopes of practice, or licensed  
25 under the Osteopathic Initiative Act or the Chiropractic Initiative  
26 Act and operating consistent with the laws governing their  
27 respective scopes of practice.

28 (b) For the purposes of this chapter, “telephone medical advice”  
29 means a telephonic communication between a patient and a health  
30 care professional in which the health care professional’s primary  
31 function is to provide to the patient a telephonic response to the  
32 patient’s questions regarding his or her or a family member’s  
33 medical care or treatment. “Telephone medical advice” includes  
34 assessment, evaluation, or advice provided to patients or their  
35 family members.

36 (c) For the purposes of this chapter, “health care professional”  
37 is a staff person described in Section 4999.2 who provides medical  
38 advice services and is appropriately licensed, certified, or registered  
39 as a registered nurse pursuant to Chapter 6 (commencing with  
40 Section 2700), as a physician and surgeon pursuant to Chapter 5

(commencing with Section 2000) or the Osteopathic Initiative Act, as a dentist or dental hygienist pursuant to Chapter 4 (commencing with Section 1600), as a psychologist pursuant to Chapter 6.6 (commencing with Section 2900), as a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980), as a licensed clinical social worker pursuant to Chapter 14 (commencing with Section 4990), as an optometrist pursuant to Chapter 7 (commencing with Section 3000), or as a chiropractor pursuant to the Chiropractic Initiative Act, and who is operating consistent with the laws governing his or her respective scopes of practice in the state in which he or she provides telephone medical advice services.

~~SEC. 42.~~

*SEC. 43.* Section 44876 of the Education Code is amended to read:

44876. The qualifications for a dental hygienist shall be a valid license issued by the ~~Committee on Dental Hygiene~~ *Dental Hygiene Committee of California* or by the Dental Board of California and either a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health.

~~SEC. 43.~~

*SEC. 44.* Section 1348.8 of the Health and Safety Code is amended to read:

1348.8. (a) Every health care service plan that provides, operates, or contracts for telephone medical advice services to its enrollees and subscribers shall do all of the following:

(1) Ensure that the in-state or out-of-state telephone medical advice service is registered pursuant to Chapter 15 (commencing with Section 4999) of Division 2 of the Business and Professions Code.

(2) Ensure that the staff providing telephone medical advice services for the in-state or out-of-state telephone medical advice service are licensed as follows:

(A) For full service health care service plans, the staff hold a valid California license as a registered nurse or a valid license in the state within which they provide telephone medical advice services as a physician and surgeon or physician assistant, and are operating in compliance with the laws governing their respective scopes of practice.

(B) (i) For specialized health care service plans providing, operating, or contracting with a telephone medical advice service in California, the staff shall be appropriately licensed, registered, or certified as a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code or the Osteopathic Initiative Act, as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, as a dentist or a dental hygienist pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code, as a psychologist pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code, as a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code, as a licensed clinical social worker pursuant to Chapter 14 (commencing with Section 4990) of Division 2 of the Business and Professions Code, as an optometrist pursuant to Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code, or as a chiropractor pursuant to the Chiropractic Initiative Act, and operating in compliance with the laws governing their respective scopes of practice.

(ii) For specialized health care service plans providing, operating, or contracting with an out-of-state telephone medical advice service, the staff shall be health care professionals, as identified in clause (i), who are licensed, registered, or certified in the state within which they are providing the telephone medical advice services and are operating in compliance with the laws governing their respective scopes of practice. All registered nurses providing telephone medical advice services to both in-state and out-of-state business entities registered pursuant to this chapter shall be licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code.

(3) Ensure that every full service health care service plan provides for a physician and surgeon who is available on an on-call basis at all times the service is advertised to be available to enrollees and subscribers.

(4) Ensure that staff members handling enrollee or subscriber calls, who are not licensed, certified, or registered as required by paragraph (2), do not provide telephone medical advice. Those staff members may ask questions on behalf of a staff member who

1 is licensed, certified, or registered as required by paragraph (2),  
2 in order to help ascertain the condition of an enrollee or subscriber  
3 so that the enrollee or subscriber can be referred to licensed staff.  
4 However, under no circumstances shall those staff members use  
5 the answers to those questions in an attempt to assess, evaluate,  
6 advise, or make any decision regarding the condition of an enrollee  
7 or subscriber or determine when an enrollee or subscriber needs  
8 to be seen by a licensed medical professional.

9 (5) Ensure that no staff member uses a title or designation when  
10 speaking to an enrollee or subscriber that may cause a reasonable  
11 person to believe that the staff member is a licensed, certified, or  
12 registered professional described in Section 4999.2 unless the staff  
13 member is a licensed, certified, or registered professional.

14 (6) Ensure that the in-state or out-of-state telephone medical  
15 advice service designates an agent for service of process in  
16 California and files this designation with the director.

17 (7) Requires that the in-state or out-of-state telephone medical  
18 advice service makes and maintains records for a period of five  
19 years after the telephone medical advice services are provided,  
20 including, but not limited to, oral or written transcripts of all  
21 medical advice conversations with the health care service plan's  
22 enrollees or subscribers in California and copies of all complaints.  
23 If the records of telephone medical advice services are kept out of  
24 state, the health care service plan shall, upon the request of the  
25 director, provide the records to the director within 10 days of the  
26 request.

27 (8) Ensure that the telephone medical advice services are  
28 provided consistent with good professional practice.

29 (b) The director shall forward to the Department of Consumer  
30 Affairs, within 30 days of the end of each calendar quarter, data  
31 regarding complaints filed with the department concerning  
32 telephone medical advice services.

33 (c) For the purposes of this section, "telephone medical advice"  
34 means a telephonic communication between a patient and a health  
35 care professional in which the health care professional's primary  
36 function is to provide to the patient a telephonic response to the  
37 patient's questions regarding his or her or a family member's  
38 medical care or treatment. "Telephone medical advice" includes  
39 assessment, evaluation, or advice provided to patients or their  
40 family members.

1     ~~SEC. 44.~~

2     SEC. 45. Section 128160 of the Health and Safety Code is  
3 amended to read:

4     128160. (a) Pilot projects may be approved in the following  
5 fields:

6       (1) Expanded role medical auxiliaries.

7       (2) Expanded role nursing.

8       (3) Expanded role dental—~~auxiliaries~~ *assistants*, dental  
9 hygienists, dental hygienists in alternative practice, or dental  
10 hygienists in extended functions.

11       (4) Maternal child care personnel.

12       (5) Pharmacy personnel.

13       (6) Mental health personnel.

14       (7) Other health care personnel including, but not limited to,  
15 veterinary personnel, chiropractic personnel, podiatric personnel,  
16 geriatric care personnel, therapy personnel, and health care  
17 technicians.

18     (b) Projects that operate in rural and central city areas shall be  
19 given priority.

20     ~~SEC. 45.~~

21     SEC. 46. The Legislature finds and declares that Section 39  
22 of this act, which adds Article 9 (commencing with Section 1900)  
23 to Chapter 4 of Division 2 of the Business and Professions Code,  
24 imposes a limitation on the public's right of access to the meetings  
25 of public bodies or the writings of public officials and agencies  
26 within the meaning of Section 3 of Article I of the California  
27 Constitution. Pursuant to that constitutional provision, the  
28 Legislature makes the following findings to demonstrate the interest  
29 protected by this limitation and the need for protecting that interest:

30     In order to encourage participation in a diversion evaluation  
31 program that would identify and ~~rehabilitate~~ *rehabilitate* dental  
32 hygiene licensees who may be impaired due to abuse of dangerous  
33 drugs or alcohol, in order to protect the public health and safety,  
34 it is necessary and appropriate to provide limited confidentiality  
35 to certain records and proceedings.

36     SEC. 47. *Section 1.5 of this bill incorporates amendments to*  
37 *Section 101 of the Business and Professions Code proposed by*  
38 *this bill and by AB 1137 and SB 801. It shall only become operative*  
39 *if (1) this bill and either or both AB 1137 and SB 801 are enacted*  
40 *and become effective on or before January 1, 2008, but this bill*

1 *becomes operative first, (2) this bill and either or both AB 1137*  
2 *or SB 801, as enacted, amends Section 101 of the Business and*  
3 *Professions Code, and (3) this bill is enacted after both AB 1137*  
4 *and SB 801, in which case Section 101 of the Business and*  
5 *Professions Code, as amended by Section 1 of this bill, shall remain*  
6 *operative only until the earlier of the operative date of AB 1137*  
7 *or SB 801, as enacted, at which time Section 1.5 of this bill shall*  
8 *become operative.*

9 *SEC. 48. Section 3.5 of this bill incorporates amendments to*  
10 *Section 1601.1 of the Business and Professions Code proposed by*  
11 *both this bill and SB 963. It shall only become operative if (1) both*  
12 *bills are enacted and become effective on or before January 1,*  
13 *2008, (2) each bill amends Section 1601.1 of the Business and*  
14 *Professions Code, and (3) this bill is enacted after SB 963, in which*  
15 *case Section 3 of this bill shall not become operative.*

16 *SEC. 49. Section 21.5 of this bill incorporates amendments to*  
17 *Section 1750.4 of the Business and Professions Code proposed by*  
18 *both this bill and SB 1048. It shall only become operative if (1)*  
19 *both bills are enacted and become effective on or before January*  
20 *1, 2008, (2) each bill amends Section 1750.4 of the Business and*  
21 *Professions Code, and (3) this bill is enacted after SB 1048, in*  
22 *which case Section 21 of this bill shall not become operative.*

23 *SEC. 50. (a) Sections 22.2 and 22.4 of this bill incorporate*  
24 *amendments to Section 1751 of the Business and Professions Code*  
25 *proposed by both this bill and SB 1048. They shall only become*  
26 *operative if (1) both bills are enacted and become effective on or*  
27 *before January 1, 2008, (2) each bill amends Section 1751 of the*  
28 *Business and Professions Code, (3) SB 963 is not enacted or as*  
29 *enacted does not amend that section, and (4) this bill is enacted*  
30 *after SB 1048 in which case Sections 22, 22.6, and 22.8 of this bill*  
31 *shall not become operative.*

32 *(b) Section 22.6 of this bill incorporates amendments to Section*  
33 *1751 of the Business and Professions Code proposed by both this*  
34 *bill and SB 963. It shall only become operative if (1) both bills are*  
35 *enacted and become effective on or before January 1, 2008, (2)*  
36 *each bill amends Section 1751 of the Business and Professions*  
37 *Code, and (3) SB 1048 is not enacted or as enacted does not amend*  
38 *that section, and (4) this bill is enacted after SB 963, in which case*  
39 *Sections 22, 22.2, 22.4, and 22.8 of this bill shall not become*  
40 *operative.*

(c) Section 22.8 of this bill incorporates amendments to Section 1751 of the Business and Professions Code proposed by this bill, SB 963, and SB 1048. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2008, (2) all three bills amend Section 1751 of the Business and Professions Code, and (3) this bill is enacted after SB 963 and SB 1048, in which case Sections 22, 22.2, 22.4, and 22.6 of this bill shall not become operative.

SEC. 51. Section 23.5 of this bill incorporates amendments to Section 1753 of the Business and Professions Code proposed by both this bill and SB 1048. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2008, (2) each bill amends Section 1753 of the Business and Professions Code, and (3) this bill is enacted after SB 1048, in which case Section 23 of this bill shall not become operative.

SEC. 52. Sections 35.2 and 35.4 of this bill incorporate amendments to Section 1770 of the Business and Professions Code proposed by both this bill and SB 1048. Sections 35.2 and 35.4 of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2008, (2) each bill amends Section 1770 of the Business and Professions Code, and (3) this bill is enacted after SB 1048, in which case Section 35 of this bill shall not become operative.

~~SEC. 46.~~

SEC. 53. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.